



# 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**

May 15, 2007

Agenda: May 23, 2007

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

Subject: Application 05-0721

Members of the Commission:

### History

Your Commission first considered this application on February 14, 2006. Following the public hearing and discussion, the public hearing was continued to the April 11, 2007 agenda. The item was subsequently continued to the May 23rd agenda. The Commission continued the application for so that staff could respond to a number of issues that were raised at the public hearings, including retention of trees, right-of-ways, and allowed commercial uses.

The applicant has provided a revised Site Plan (Sheet A2.1), Tree Canopy Analysis (Sheet I ) and revised Planting Plans (Sheets L1 and L2) in reduced format. The following is a response to the questions from the Commission.

#### **1. Retention of more trees (refer to site plan for tree numbering)–**

- a. Trees numbered 1 through 8 are located along the western property line of APN 030-201-34, adjacent to the existing driveway from Walnut Street and have continually been shown to remain.



- b. On Sheet A2.1, the architect incorrectly identified the Mayten and the Fir trees (Trees numbered 9 and 10) in the southwest corner of the site to be removed. The landscape architect had identified those trees to remain as shown on Sheet L2.



- c. Tree 11 (Pine) is more of a shrub than tree form. Moving the trash enclosure slightly to the North could save this tree. This would also allow for additional landscaping at the rear of the trash enclosure.



- d. Trees numbered 12 and 13 (the two Hackberry species) are located in the driveway for Palmer Parcel C and would need to be removed in order to access this parcel from Porter Street (see section 1.f for more discussion).



- e. Tree 15 (Birch) is dying, surrounded by ivy and also in the path of access from the right-of-way to the parking. It will be removed.



- f. The site plan (Exhibit B) has been redesigned to save the double Brazilian Pepper (unnumbered) in front of Building A. This results in the loss of one parking space.



While staff appreciates the effort to save the Pepper tree, the resulting site plan raises a number of issues related to the circulation and parking of the site (Figure A). These include the following:

- ~ Reduction in the driveway width to just over 20-feet where the tree has been preserved. This configuration is being reviewed by DPW and Central Fire District.
- ~ Awkward parking spaces at the project entry and west of the preserved tree.

In order to resolve the awkwardness of the parking spaces and to address the preservation of the specimen tree on the project site (tree 13 – Hackberry), staff proposes an alternative to the revised site plan (Figure B). This alternative includes the following features:

- a. Remove the parking space east of the Pepper tree, at the project entrance
- b. Enlarge the planting area to include that parking space by extending the curbing from the Pepper tree towards Porter Street

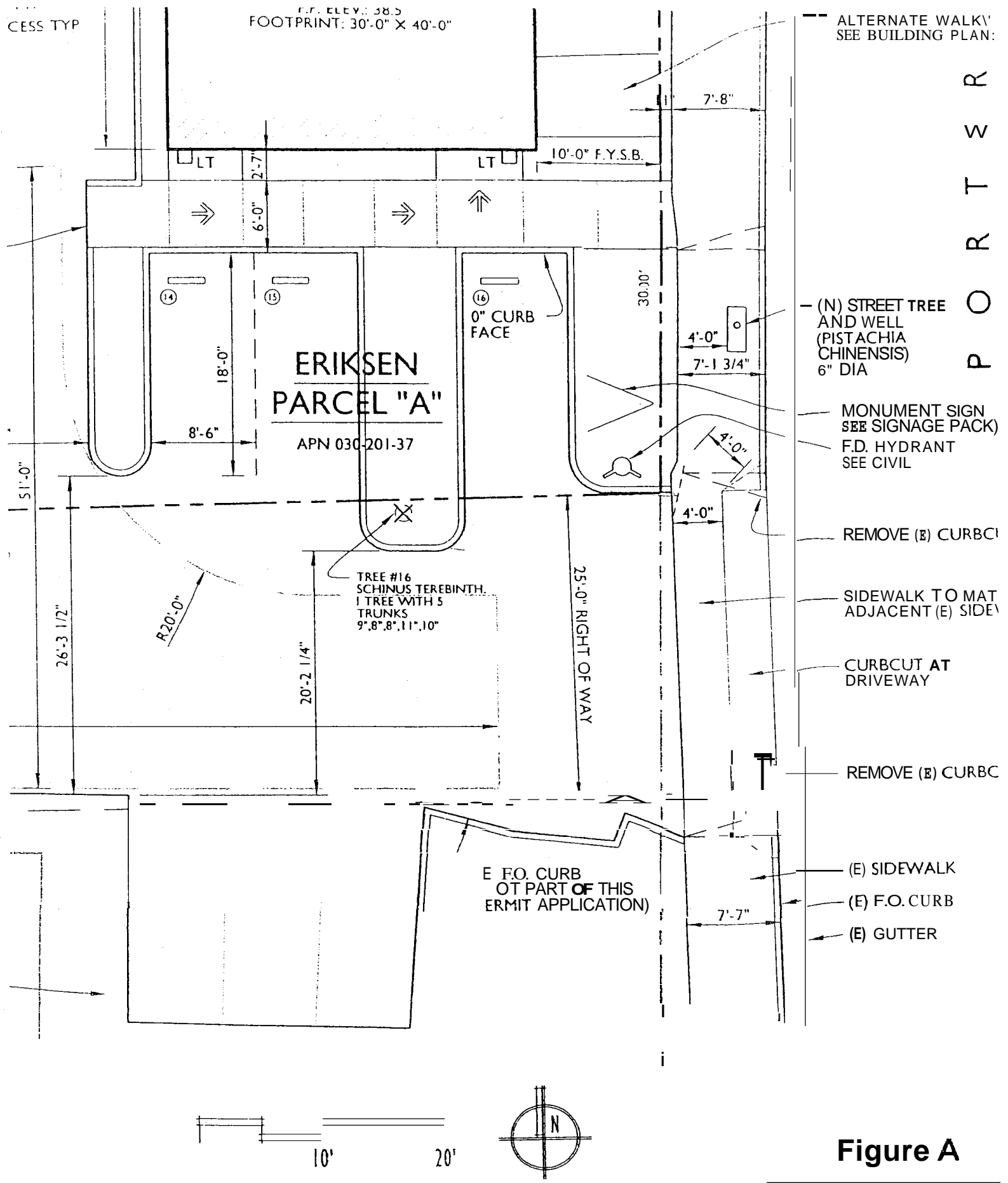


Figure A

REET

PROPOSED BY APPLICANT

LESS TYP

FOOTPRINT: 30'-0" X 40'-0"

ALTERNATE WALKWAY  
SEE BUILDING PLANS

P  
O  
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T  
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R

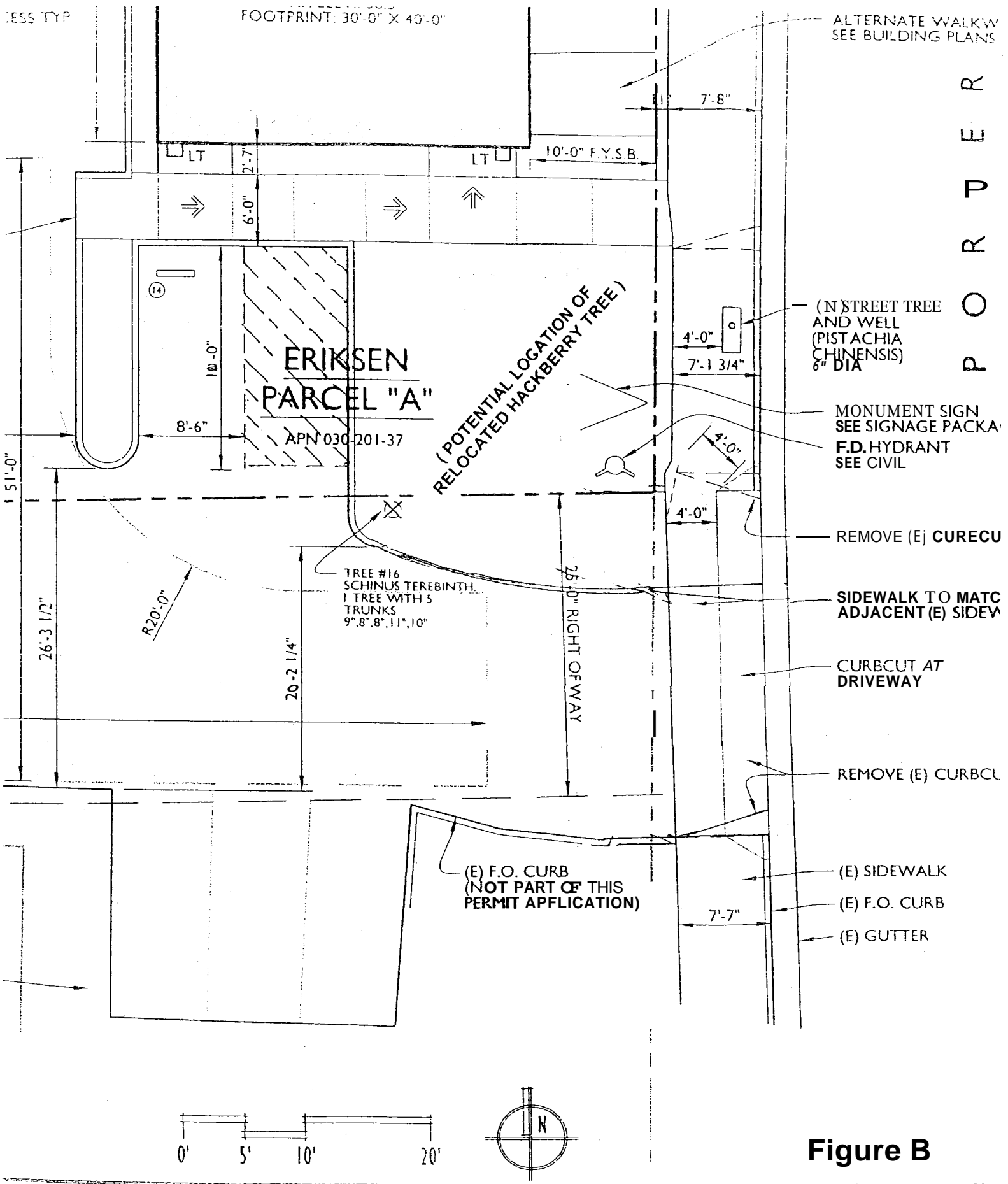


Figure B

REET

SUGGESTED BY STAFF

- c. Switch the two spaces to the west of the Pepper tree with accessible space and loading zone shown close to Building B.

If the Commission favors this alternate design, a large planting area will be created adjacent to Porter Street. This would provide a place for the larger Hackberry (tree 13) to be relocated.

This alternate would lose two parking spaces for a total of 28 spaces. Staff believes that this alternative balances the loss of parking spaces the retention of the Brazilian Pepper and the Hackberry specimen. As you may recall from the original staff report, Marquez Transportation Engineering had calculated the total demand generated by the commercial and residential uses as 27 spaces.

## 2. Walnut tree removal –

Ellen Cooper, the landscape architect and certified arborist for the project described this tree as "misshapen and leaning west at 30 degrees from vertical". Please see attached letter (Exhibit C). Staff does not recommend saving this tree.



## 3. Draft form easements –

The draft form easements are attached as Exhibit D. County Counsel has reviewed these easements and does not have any substantial comments to make at this time.

**4. Right of way on southern boundary –**

The owner (Dr. Mann) of the right-of-way on the southern boundary of the project signed an owner-agent agreement and a letter describing the joint use of this easement on January 21, 2005 (see Exhibit E).

**5. Compliance with Soquel Village Plan –**

This area (south of Walnut Street and west of Porter Street) is included in the Soquel Village Plan Boundaries, however it is not in the Twenty Year Master Plan Illustration (see Exhibit F), nor is it specifically mentioned in the text.

**6. Designated residential parking –**

There are five residential units with a total of seven bedrooms. The total number of parking spaces required for the residential units is eleven spaces. Another 2.2 spaces would be required for guest parking.

Sheet A2.1 shows 4 designated residential parking spaces in a covered area under proposed Building "C" and four other designated residential spaces in open parking. The proposed parking scheme would designate one parking space for each bedroom. If the commission feels uncomfortable with this parking ratio, a condition of approval could be added to increase the designated number of parking spaces.

**7. Master Occupancy permit –**

A Master Occupancy Program has been submitted by the applicant (see Exhibit G). Staff suggests a condition of approval be added which would not allow medical offices and clinics. Staff has modified the applicant's Master Occupancy Program.

**a. Left turn on Porter –**

There is no left turn allowed (double line) onto Porter Street from this project. Staff suggests a condition of approval be added that a sign posting "No Left Turn" be installed at the driveway facing the inside of the project.

**9. Service vehicles –**

The standard service vehicle for this **type** of small neighborhood commercial **office** space would typically be a small van (UPS type) which could use the driveway between buildings A and B to make a three point turn. Loading spaces are not required for these types of uses.



**10. Portion of commercial space upstairs in Building "C" –**

There is a commercial space that is shown on the upper level of Building C. Staff recommends that a condition of approval requiring a deed restriction be recorded that limits the use of this space to the approved commercial uses only.

**11. Open space requirements –**

The open space requirements have been clarified on the revised drawings. See Sheet A2.1 (Composite Site Plan) and the Landscape drawings (Sheets L-1 and L-2) for locations, dimensions and area of required open spaces.

**12. Easement across property -**

The two owners of APN 030-201-36 have signed a statement (Exhibit H) that they have seen the Road Maintenance and Circulation Agreement (from 1986) and have reviewed the site plan with the current application and have no issues. Their parcel is the only other parcel on which the current driveway to the north of Eriksen Parcel "B" could be extended to Palmer Parcel "D" and on to Walnut Street (see Exhibit H – page illustrating Parcel Four).

The proposed site plan would permit a driveway extending from Porter Street to Walnut Street in the general location of Parcel Four shown on the assessor's map in Exhibit H. In addition, access to this driveway from the project could be made through the driveway between Buildings A and B in the future.

**Conclusion:**

Staff has worked with the applicant to respond to all of the issues raised by the Commission and the public. As a result of this additional review, the applicant has submitted revised plans identifying and preserving a number of existing trees on the project site, including the Pepper tree near Building A. Staff, however, is recommending that your Commission take additional steps to preserve the specimen tree on the site – a large Hackberry – by requiring its relocation to the front of the project. While this will result in the loss of an additional parking space, the preservation of this tree is warranted.

Staff has revised the conditions of approval to reflect the changes to the project discussed above (highlighted on revised Conditions of Approval – Exhibit I).

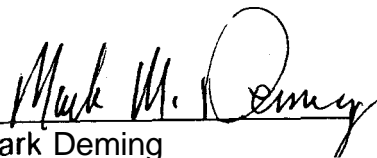
Staff therefore recommends that your Commission:

- Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act; and
- Approve of Application 05-0721, based on the findings and revised conditions.

Sincerely,



Lawrence Kasparowitz  
Project Planner  
Development Review

Reviewed By:   
Mark Deming  
Assistant Director

Exhibits:

- A. Revised Plans
- B. Reduced Site Plan (showing saving Brazilian Pepper tree)
- C. Letter from Arborist
- D. Draft form of easements
- E. Owner-Agent agreement from Dr. Mann
- F. Illustrations from Soquel Village Plan
- G. Master Occupancy Program
- H. Statement from adjacent neighbors
- I. New letters
- J. Revised Conditions of Approval
- K. Findings
- L. Staff Report

Larry Kasparowitz Urban Designer  
County of Santa Cruz

March 19, 2007

Larry Kasparowitz,

I have visited the project site again and reviewed my findings for the Juglans regia (English Walnut) tree on the Palmer Eriksen project site located at 4610 Walnut Street and 2601 Porter Street in Soquel. The tree was referred to as Tree #14 on my original arborist report dated October 17, 2005 and revised April 12, 2006. As I mentioned in my report the trunk of the tree leans towards the west at approximately 30 degrees from vertical and the crown of the tree is misshapen in part due to the removal of two large trunks at the graft junction. There is a deep cavity indicating significant heart rot at the location of one of these pruning wounds as well as numerous pockets of rot elsewhere on the tree. Further, this species is a poor choice for urban settings due to its propensity to attract aphids and the consequent sticky exudation and sooty mildew. In addition, the fruit is extremely abundant, messy and **will** stain pavement. I recommend that the tree be removed.

Regarding replacement trees, 15 of the 20 trees (75%) of all the trees proposed for the site are 24" box specimen trees. This is 60% more than required by the county.

Thank you,



Ellen Cooper  
Landscape Architect Ca. Lic. #2937  
Arborist I.S.A.W.C. #0848

# ellen cooper & associates

landscape architects

Alan Palmer and Bob Eriksen  
4610 Walnut Street and 2601 Porter Street  
Soquel, Ca.

October 17, 2005  
Revised April 20, 2007  
Revised April 28, 2007

On October 17, 2005 I made a site visit to look at the trees located on the properties listed above. The trees are described below and are indicated on the attached site plan.

Tree #1 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. The DBH (diameter at breast height, 48" above grade) is 58". There are 3 trunks originating at 55" above grade. The canopy is crowded on the southern side by Tree #2. The foliage is in good condition.

Tree #2 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. There are 3 trunks originating at 26' above grade. The DBH's of the trunks are 9", 11" and 12". The canopy is crowded on two sides by Tree #1 and Tree #3. There are pockets of rot evident where branches have been removed. The foliage is in good condition.

Tree #3 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. There are 3 trunks originating at 30" above grade. The DBH's of the trunks are 9", 12" and 12". The canopy is crowded on the southern side by Tree #2. There are pockets of rot evident where branches have been removed. The foliage is in good condition.

Tree #4 is a *Lycianthus rantonnei* (Paraguay Nightshade). It is approximately 15' tall with an average crown spread of 15'. The DBH is 5". The trunk is bent and misshapen. The tree appears healthy and the foliage is in good condition.

Tree #5 is a *Prunus cerasifera* (Purple Plum). It is approximately 12' tall with an average crown spread of 8'. The DBH is 3". The tree appears healthy and the foliage is in fair condition.

Tree #6 is a *Betula pendula* (European White Birch). It is approximately 13' tall with an average crown spread of 9'. It has 2 trunks with DBH's of 3" and 5". The tree appears healthy and the foliage is in fair condition.

Tree #7 is a *Schinus molle* (California Pepper). It is approximately 23' tall with an average crown spread of 15'. The DBH is 11". The trunk leans at 10 degrees from vertical towards the south. The tree appears healthy and the foliage is in excellent condition.

Tree #8 is a *Myoporum laetum* (Myoporum). It is approximately 15' tall with an average crown spread of 12'. The DBH is 8". The tree appears healthy and the foliage is in excellent condition.

Tree #9 is a *Abies* species (Fir). It is approximately 35' tall with an average crown spread of 20'. The DBH is 15'. The trunk splits into 2 parallel leaders at 7'. The tree leans towards the northeast at 15 degrees from vertical. The foliage is in good condition.

**NOTE**

**The grading drainage plan has been revised to allow this tree to be saved. 4-20-07**

Tree #10 is a *Maytenus boaria* (Mayten Tree). The tree is located on the southern property line. It is approximately 35' tall with an average crown spread of 25'. Two of the trunks lean significantly on to the neighboring property to the south. The tree is very large for this species, indicating it is a mature specimen. The foliage is in good condition.

**NOTE**

**The grading drainage plan has been revised to allow this tree to be saved. 4-20-07**

Tree #11 is a *Pinus radiata* (Monterey Pine). The tree is approximately 15' tall with an average crown spread of 20'. The DBH is 7". The tree appears healthy and the foliage is in good condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #12 is a *Celtis occidentalis* (Hackberry). It is approximately 35' tall with an average crown spread of 35'. The DBH is 13". The trunk splits into 2 parallel leaders at 6'. The tree appears to be in good health and the foliage is in fair condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #13 is a *Celtis occidentalis* (Hackberry). It is approximately **40'** tall with an average crown spread of **45'**. There are 6 trunks with DBH's of 12" to 17". Two trunks have splits in them where wood has been ripped away or given way. One of these trunks is bent significantly towards the ground. The foliage is in fair condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #14 is a *Juglans regia* (English Walnut) grafted on *Juglans hindsii* (California Black Walnut) root stock. The tree is approximately 40' tall with an average crown

spread of 25'. The DBH is 28" and the foliage is in good condition. The trunk is misshapen and leans west at 30 degrees from vertical in part due to the removal of two large trunks at the graft junction. There is a deep cavity indicating significant heart rot at the location of one of these pruning wounds as well as pockets of rot elsewhere on the tree. This tree will need to be **removed** in order to construct the project as shown on the plans.

Tree #15 is a *Betula pendula* (European White Birch). It is approximately 35' tall with an average crown spread of 17'. The DBH is 13". The canopy is very sparse and the foliage is in fair condition. This tree will need to be **removed** in order to construct the project as shown on the plans.

**NOTE:**

**The tree appears to be dead. 4-20-07**

Tree #16 is a *Schinus terebinthifolius* (Brazilian Pepper). It has 5 trunks with DBH's of approximately 9", 8", 8", 11" and 10". It is approximately 28' tall with an average crown spread of 30'. There are numerous vertical sprouts that have been allowed to develop into weakly attached vertical branches. These were likely generated by repeated pruning. There is ivy surrounding the base of the tree and growing throughout the canopy to 25'. The foliage is in good condition. The tree is located on the adjacent property.

**NOTE:**

**The site plan has been revised and a parking place eliminated in order to save this tree. The ivy should be removed from the tree, the canopy thinned and sprouts removed. 4-28-07**

All trees to remain along the existing driveway off of Walnut Street should be fenced at the edge of the driveway with 6' chain link fencing, prior to the commencement of any grading or construction activities, in order to protect the trees from compaction, dumping or storage of materials around their root zones. All other trees to be saved should be fenced at their drip lines as possible. Fencing should be 6' chainlink with posts at 6'-0" maximum on concrete footings and should remain in place during construction.

Thank you.



Ellen Cooper  
Arborist I.S.A W.C. #0848



## ellen cooper & associates

landscape architects

Alan Palmer and Bob Eriksen  
4610 Walnut Street and 2601 Porter Street  
Soquel, Ca.

October 17, 2005  
April 20, 2007  
April 28, 2007

Following is an analysis of the tree canopy coverage for the trees to be removed from the properties listed above, as a consequence of the proposed development (See the Arborist Report); compared to the trees proposed for planting according to the landscape plan.

### Square Footage of Tree Canopies to be Removed

$3.14 \times r^2$  (r=radius of hypothetical canopy) x portion of actual canopy  
(some canopy missing due to crowding by other trees)

Tree #11 Pinus radiata (Monterey Pine)	314 square feet
Tree #12 Celtis occidentalis (Hackberry)	641 square feet
Tree #13 Celtis occidentalis (Hackberry)	1059 square feet
Tree #14 Juglans regia (English Walnut)	490 square feet

Total tree canopy to be removed: **2504 square feet**

### Square Footage of Proposed Tree Canopies (at 5 years)

#### 4610 Walnut Street

2 Pistacia chinensis (Chinese Pistache)	2 x 250 square feet = 500 square feet
1 Cercis 'Forest Pansey' (Red-leafed Redbud)	78.5 square feet
2 Tristanea conferta (Brisbane Box)	2 x 125 square feet = 250 square feet
1 Nerium oleander 'Sister Agnes' (Oleander)	50 square feet

#### 2601 Porter Street

4 Pistacia chinensis (Chinese Pistache)	4 x 250 square feet = 1000 square feet
2 Cercis 'Forest Pansey' (Red-leafed Redbud)	2 x 78.5 square feet = 157 square feet
1 Podocarpus macrophyllus (Podocarpus)	78.5 square feet
1 Koeleruteria paniculata (Goldenrain Tree)	176 square feet
4 Nerium oleander 'Sister Agnes' (Oleander)	4 x 50 square feet = 200 square feet
2 Platanus 'Yarwood' (London Plane Tree)	2 x 380 square feet = 760 square feet

Total proposed tree canopy (at 5 years); **3250 square feet**

Recording Requested By and  
When Recorded Mail to:

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## **EASEMENT, DEVELOPMENT AND MAINTENANCE AGREEMENT**

The parties to this agreement are: **Stephen B. Mann and Wendy A. Mann, as co-trustees of the Mann Living Trust Dated February 15, 2001** (Mann), owners of Santa Cruz County real property known as APN 030-201-46, more particularly described in Exhibit A, attached and incorporated by this reference; **Santa Cruz Properties, L.L.C.**, a California Limited Liability Company (Santa Cruz), owner of APNs 030-201-25 and 030-201-37, more particularly described in Exhibit B, attached and incorporated by this reference; and **Alan Blair Palmer, trustee of the Palmer Trust Dated May 4, 1999** (Palmer), owner of Santa Cruz County APNs 030-201-34 and 030-201-35, more particularly described in Exhibit C, attached and incorporated by this reference.

The parties intend by this agreement to frame the circumstances for the development of two office buildings on the Santa Cruz parcel, an office building and related improvements on the Palmer parcel, and necessary easements for access, utilities, parking, and open space. The diagram created by Thacher and Thompson, Architects, attached as Exhibit D and made a part hereof by this reference, depicts the conditions set forth in this agreement.

In consideration of the recitals and maintenance covenants contained in this instrument, the parties agree as follows:

### **1. EASEMENTS.**

A. Mann hereby grants to Santa Cruz and to Palmer a non-exclusive easement for vehicular and pedestrian access and for utilities as described below to permit ingress and egress of all properties described in this agreement and adjoining streets over a portion of the Mann parcel consisting of the northerly twenty-five feet (25') of said parcel as depicted in Exhibit E, attached and incorporated by this reference.

B. Santa Cruz hereby grants to Palmer a non-exclusive easement for vehicular and pedestrian access, utilities as described herein, and for parking over a portion of the Santa Cruz parcels consisting of the southerly twenty feet (20') of the said parcels as depicted in Exhibit F.

C. Palmer hereby grants to Santa Cruz a non-exclusive easement for vehicular



and pedestrian access, together with utilities as described below, and for parlung over a portion of the southerly Palmer parcel consisting of the southerly thirty-eight feet (38") of the said parcel (APN 030-201-33) together with two uncovered parking stalls, one of which is designated as handicap parking, located along the westerly boundary of the said Palmer parcel as depicted in Exhibit G, attached and made a part hereof.

D. Palmer, as owner of APN 030-201-34, creates a twenty foot (20') right of way easement along the westerly boundary of the said parcel in favor of the southerly Palmer parcel (APN 030-201-33) together with rights of parking, utilities, and open space as described in Exhibit H, which is attached and incorporated by this reference as though fully set forth. The parties agree that in the event Palmer improves APN 030-201-34 with an office building such parcel shall be allowed to benefit from the easement agreements contemplated by this agreement as well as for supplemental parking and utilities; provided, however, that such addition does not adversely affect any of the other properties described in this agreement.

## 2. DEVELOPMENT/CONSTRUCTION.

A. Santa Cruz agrees to make certain engineering, soils testing, grading, paving, street, curb, gutter (including material within twelve (12) inches of the surface) and related driveway and walkway improvements within the Mann easement with the contemplated commencement of construction to begin upon approval by governmental entities and to complete the same on or before December 31, 2007. Santa Cruz agrees to indemnify and hold harmless Mann for the costs of the Mann surface improvements, including, but not limited to mechanics' liens on the Mann parcel. To the extent that Santa Cruz and/or Palmer needs to construct underground utilities within the Mann easement, the costs of such underground improvements together with such surface improvements over the Mann easement shall be divided equally between Santa Cruz and Palmer. Such underground improvements shall be diligently pursued upon governmental approval and completed on or before December 31, 2007.

B. Santa Cruz agrees to make certain engineering, soils testing, grading, paving, street, curb, gutter (including material within twelve (12) inches of the surface) and related driveway and walkway improvements as well as certain underground utilities and infrastructure improvements within the Santa Cruz easement, including trenching and installation of drainage, natural gas, electricity, sewer and water. These improvements shall be pursued upon governmental approval with the contemplation to complete said improvements on or before December 31, 2007. Santa Cruz agrees to indemnity and hold harmless Mann and Palmer for the costs of such improvements, including mechanics' liens. The parties acknowledge there may be additional agreements between Santa Cruz and Palmer for the sharing of costs of the underground improvements.

C. Palmer agrees to make certain engineering, soils testing, grading, paving, street, curb, gutter, and related driveway and walkway improvements as well as certain underground utilities infrastructure improvements within the Palmer easement to commence upon governmental approval and to complete on or before December 31, 2007. Palmer agrees to

indemnify and hold harmless Mann and Santa Cruz for the costs of surface improvements. The parties agree that Palmer and Santa Cruz may, under separate agreement, provide for the costs of underground utilities contemplated in ~~this~~ paragraph and the preceding paragraphs 2B and 2C.

### **3. MAINTENANCE.**

A. Maintenance of the surface improvements on the Mann easement shall be equally divided between Santa Cruz and Palmer. Santa Cruz shall pay for the costs of said maintenance, and Palmer shall immediately pay Santa Cruz for one-half of said expenses from time to time upon billing by Santa Cruz.

B. Santa Cruz agrees to be solely responsible for the maintenance, including the cleaning, repair, and maintenance of Santa Cruz surface and underground improvements, which shall be maintained in good condition.

C. Palmer shall have the sole responsibility for the cleaning, repair, and maintenance of the Palmer surface and underground improvements, which shall be maintained in good condition.

**4. TAXES.** Each owner shall pay before delinquency all taxes and assessments which may be levied or assessed against the respective parcel.

**5. NOT A PUBLIC DEDICATION.** Nothing contained in this instrument shall be a gift or dedication of any portion of the property of the parties to the general public or for the general public for any purpose whatsoever.

**6. MORTGAGE PROTECTION.** Any lien recorded pursuant to this agreement shall be subordinate to all other liens and encumbrances recorded prior to the recordation to a claim of lien and shall be prior to all other liens and encumbrances. No amendment to this agreement shall affect the rights of the holder of any recorded lien or encumbrance recorded prior to the recordation of such amendment unless the lien or encumbrance holder joins in the execution of the amendment. A breach of any of the terms, conditions, or covenants of this agreement shall not defeat or render invalid the lien of any mortgage, deed of trust, or other security interest made in good faith and for value, but no such term, condition, or covenant shall be binding and effective against any person or entity who becomes an owner of any parcel described herein or any portion thereof.

**7. INSURANCE.** Each party of real property described shall maintain general public liability, fire and extended coverage insurance (excluding earthquake insurance) against claims and liabilities for personal injury, death, and property damage arising out of or upon each such owner's parcel, including the easement properties. Santa Cruz and Palmer shall procure and maintain course of construction insurance during such time as construction, improvements or repairs or replacements thereto are undertaken, insuring such owner, its agents, contractors and materialmen for claims and liability for personal injury, death, and property damage arising from

the construction of the improvements on each owner's property. Such insurance coverage shall be for not less than two million dollars for personal injury or death in any single occurrence, or one million dollars **for** property damage. To the extent the construction of the improvements occurs on the Mann parcel, Santa Cruz and Palmer agree to name Mann **as** an additional insured on the course of construction insurance policy.

8. **ARBITRATION.** Any claim or controversy arising out of or relating to this agreement shall be settled or determined by binding arbitration in the County of Santa Cruz under the provisions of California Code of Civil Procedure Section 1280 and following. The parties will select as arbitrator a retired judge or attorney well versed in real property matters.

9. **ENTIRE AGREEMENT, BINDING EFFECT.** This agreement shall be binding upon and inure to the benefit of the parties and their successors in interest. This agreement and its attachments constitute the entire agreement and understanding among the parties with respect to the matters recited in this document. There are no oral understandings or conditions, and no party has relied on any representations, express or implied, not contained in this agreement. All prior understandings, terms, or conditions are deemed to be merged in this agreement.

10. **COUNTERPARTS.** Counterparts of this agreement shall be executed simultaneously in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

11. **AMENDMENTS.** This agreement may be amended only by an instrument in writing duly executed and acknowledged by all parties and recorded in the Santa Cruz County Recorder's Office.

12. **NOTICE.** All notices and deliveries under this agreement shall be given in writing by personal service or by Federal Express, Express Mail, or any other commercial delivery service that guarantees overnight delivery. Notices and delivery shall be considered given and received when personally served or deposited with the overnight service within the time period required for overnight deliver or by electronic facsimile, with the original being promptly sent as otherwise provided above to the respective addresses. Notices and deliver shall be addressed as appears below to the respective parties:

For Mann:	Stephen B. Mann and Wendy A. Mann c/o Stephen B. Mann, DDS 2515 Porter Street Soquel, California 95037 Telephone: (831) 462-8555 Facsimile: (831) 476-3133
With copy to:	John Christerson, Esq. 311 Bonita Drive Aptos, California 95003 Telephone: (831) 662-8444

Facsimile: (831) 662-0227

For Santa Cruz: Santa Cruz Properties, L.L.C.  
c/o Mr. Robert Eriksen  
P. O. Box 432  
Capitola, California 95010  
Telephone: (831) 462-2115  
Facsimile: (831) 462-3139

For Palmer: Alan Blair Palmer, Trustee of the Palmer Trust  
3941 Cherryvale  
Soquel, California 95073  
Telephone: (831) 477-9004  
Facsimile: (831) 477-9004

With copy to: Austin B. Comstock, Esq.  
Comstock, Thompson, Kontz & Brenner  
340 Soquel Avenue, Suite 205  
Santa Cruz, California 95062  
Telephone: (831) 427-2727  
Facsimile: (831) 458-1165

The parties have executed this agreement on the dates set forth adjacent to their respective signatures below.

“Mann”

\_\_\_\_\_  
Stephen B. Mann as Co-Trustee of the  
Mann Living Trust dated February 15, 2001

Dated: \_\_\_\_\_

\_\_\_\_\_  
Wendy A. Mann, as Co-Trustee of the  
Mann Living Trust dated February 15, 2001

Dated: \_\_\_\_\_

“Santa Cruz”

Santa Cruz Properties, L.L.C.  
a California limited liability company

\_\_\_\_\_  
Robert D. Eriksen  
Member

Dated: \_\_\_\_\_

\_\_\_\_\_  
Raymond Angelillo  
Member

Dated: \_\_\_\_\_

“Palmer”

\_\_\_\_\_  
Alan Blair Palmer, Trustee of the  
Palmer Trust created May 4, 1999

Dated: \_\_\_\_\_



## OWNER-AGENT APPROVAL FORM

For **persons** other than **the** owner who **wish** to obtain **a** building, development and/or other permit, the approval of **the** owner **is** required.

**This** is the County's authorization to issue a permit to the agent listed below:

Agent: Name: BOB ERIKSEN or Alan Palmer  
 Address: BOX 432  
 City: CAPITOLA, CA 95010  
 Telephone: 462-2115 OR ~~462-2115~~ 477-9004

Owner: Name: DR. STEVE MANN D.D.S  
 Address: 2515 PORTER ST.  
 City: SOCUEL, CA. 95073  
 Telephone: (831) 462-8555

Date

11/05

Signature of Owner

*[Signature]* AR

030-201-46  
 Assessor's Parcel Number

2601 PORTER at Walnut  
 Project Location

**NOTE:** One owner-agent form will be required for each permit required. For **development** permits, by signing this form, the owner is authorizing the agent to legally bind **the** owner to responsibility for payment of the County's cost for inspections and all **other** actions **related** to noncompliance with the permit conditions. The agent will be required to **provide** proof of **service** by mail to the owner **of a** copy of the executed acceptance of permit conditions.

oaaf/056

EXHIBIT E

January 18,2005

RE: New Mixed-Use Buildings and Related Coordinated **Parking** Improvements near  
Porter Street and Walnut Street, Soquel, CA

Dear *DR. MANN,*

**As** you may know I have been working in cooperation with **Alan** Palmer to develop a **small mixed-use** project adjacent to your property near Porter and Walnut. **I** own two parcels and **Alan** owns two parcels. **We** have completed our preliminary site **plan** studies and have met several times with the County's planning staff.

We have concluded that the best outcome for us and for our neighbors is a coordinated development that reconfigures internal property lines and existing driveways and easements. The result is shown on **the plan** dated January 18,2005, **and** included with this letter. The mutual benefits of this development strategy include:

- 1 Three new small-scaled buildings, each **with** approximately 1,150 to 1,400 **square** feet **of** a first floor commercial space **with** two small apartments on the second floor. The buildings will all be designed with matching materials and details to create a **visually** cohesive composition.
2. The parking for the **new** buildings and some of the existing adjacent buildings will be provided with internally connected driveways and sidewalks. This **will** increase pedestrian and vehicular safety and convenience. The number of driveway connections to Porter Street is reduced from three to one.
3. The new development will meet the demanding requirements of the County's parking standards and will increase the mid **block** inventory by at least 32 new spaces.

Page 2  
January 18, 2005

EXHIBIT E

4. Coordinated site development will include new landscaping, sidewalks, lighting, signs and trash enclosures. These improvements will create a mid-block neighborhood **with** a high design quality.

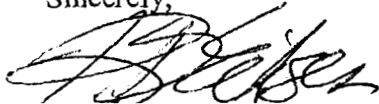
5. The combined investment will be over **a million dollars** and will enhance the existing neighborhood.

The development of these properties **will** require a lengthy review process by County. The first step in this process involves an application to the County for a **planning** approval of the site and building design. Because the site plan configuration includes your **property**, the County requires that you agree to this application. **Alan** Palmer and I will pay all the County Permit fees and will pay to have the required materials submitted. All that we ask is that you sign a copy of this letter to acknowledge your understanding of this process **and** that you sign the county's Owner-Agent Approval Form to **allow** us to proceed.

After the County approves the project, but before we can build anything, we will need to work closely with you to **modify** easements and complete recorded agreements that mutually serve the properties involved.


We appreciate your willingness to **work** together for a mutually beneficial outcome. Please don't hesitate to call me or Alan Palmer **if** you have any questions or concerns.

Sincerely,



Robert Eriksen  
P.O. Box 432  
Capitola, CA 95010  
(831) 462-2115

or



Alan Palmer  
3941 Cherryvale Avenue  
Soquel, CA 95073  
(831) ~~462-2115~~ 477-9004

As the Owner of APN # 030-201-46, I agree to have my property considered as **part** \_\_\_\_\_ of an application for this development, subject to my approval **of** the final plans.

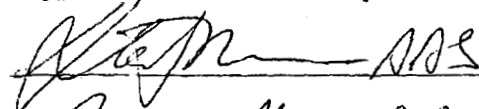
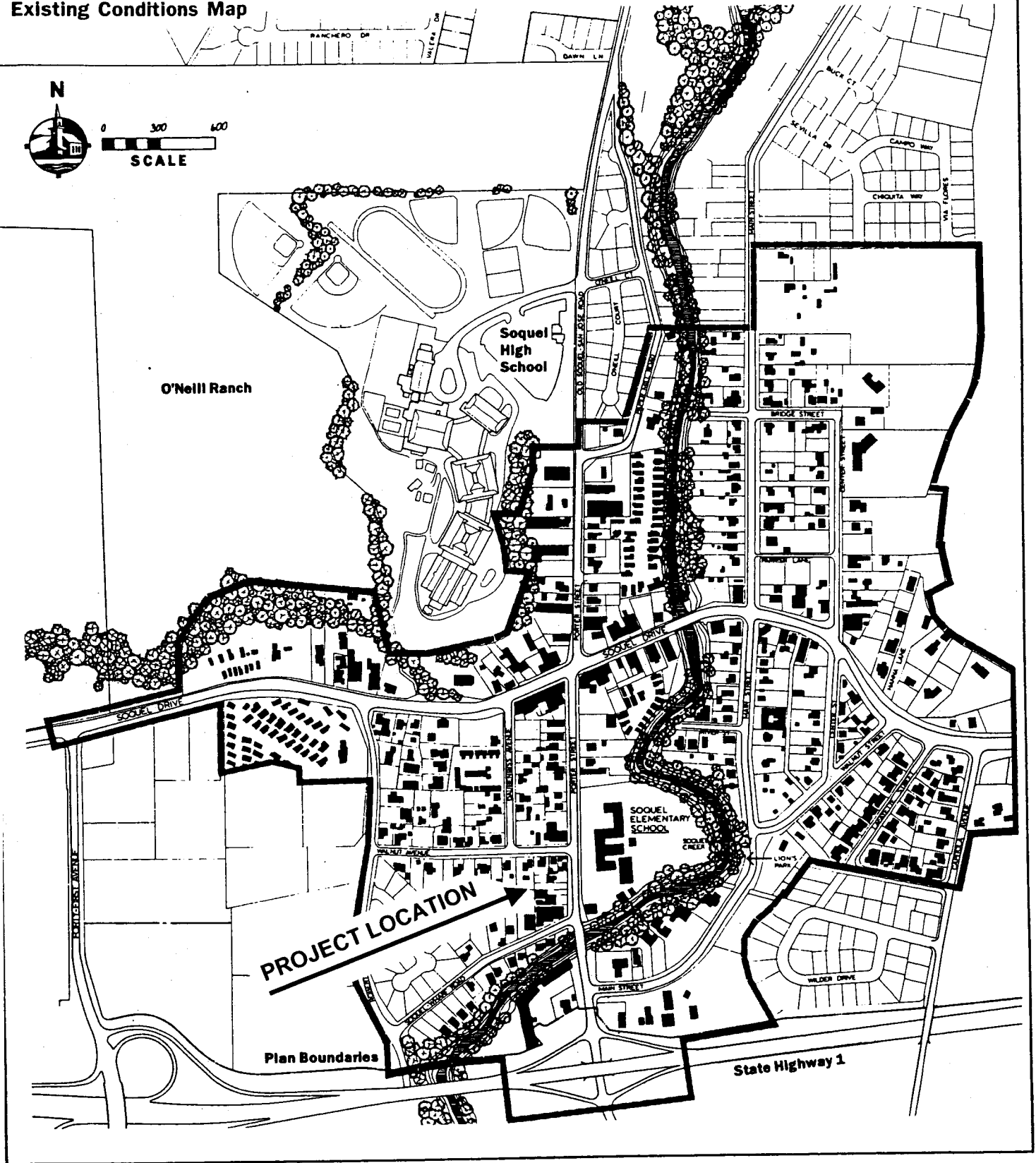
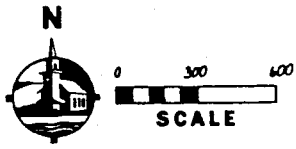
By:  ADS Date: 1/21/05  
Steve Mann ADS

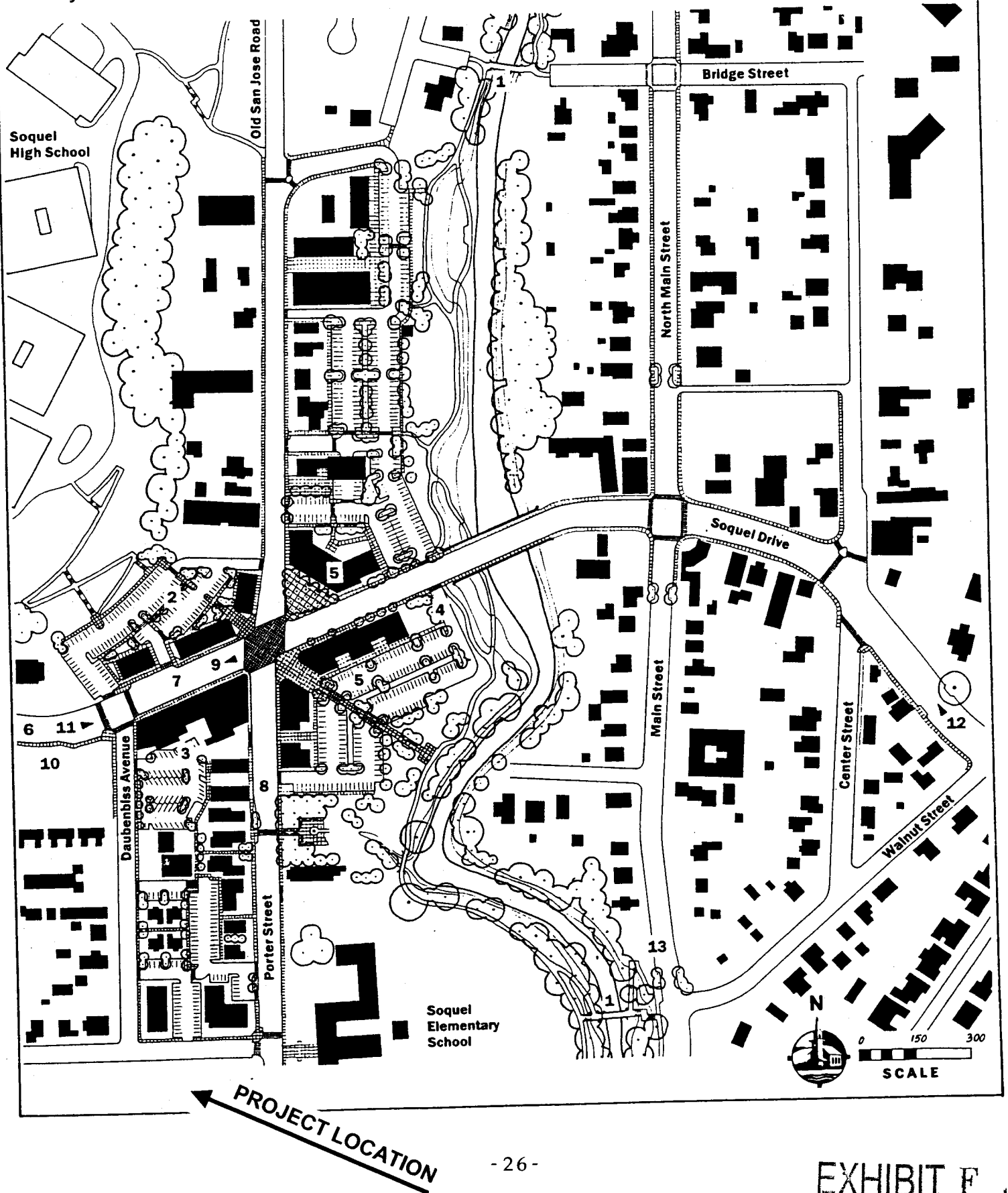
EXHIBIT E



# Existing Conditions Map



# Twenty-Year Master Plan Illustration



**PLANNING PERMIT APPLICATION #05-0721**  
**ASSESSOR PARCEL NUMBERS: 030-201-37, -25, -33**  
**OWNERS: ROBERT ERIKSEN AND ALAN PALMER**

**MASTER OCCUPANCY PROGRAM**

This is a Master Occupancy Plan for three Concurrent Adjacent Projects.  
The application is for three new buildings under  
Santa Cruz County Application # 05-0721:

Parcel 030-201-37 - Owner Robert Eriksen, Zoned C-2  
1 – mixed use building, 1,110 S.F. 1<sup>st</sup> floor commercial, 1,060 S.F. 2<sup>nd</sup> floor  
residential (R3 occupation).  
The commercial uses are listed below for all buildings.

Parcel 030-201-25 - Owner Robert Eriksen, Zoned C-2  
1 – mixed use building, 1,338 S.F. 1<sup>st</sup> floor commercial, 1,288 S.F. 2<sup>nd</sup> floor  
residential (R3 occupation).  
The commercial uses are listed below for all buildings.

Parcel 030-201-34 - Owner Alan Palmer, Zoned C-2  
1 – mixed use building, 1,599 S.F. 1<sup>st</sup> floor commercial, 800 S.F. 1<sup>st</sup> floor parking  
garage, 870 S.F. 2<sup>nd</sup> floor commercial 1,632 S.F. 2<sup>nd</sup> floor residential (R3  
occupation).  
The commercial uses are listed below for all buildings.

**Commercial use:**

**Offices** such as: *Administrative offices, Travel Agencies, Addressing services, Business offices, general, Catalog sales offices, ~~Dental offices, Duplicating shops,~~ Editorial offices, Executive offices, Finance offices, Fortune tellers, Insurance offices, Interior decoration studios, ~~Laboratories, medical, optical, and dental, not including the manufacture of pharmaceutical or other similar products for general sale or distribution, Medical offices and clinics,~~ Message services; answering services, ~~Optical offices,~~ Photographers; photographic studios, Professional offices, Radio and television programming stations, without transmitting towers, Real estate offices, Telegraph offices, Title companies.*

**Parking:**

The three projects are in a shared parking agreement. Each building is mixed use residential and commercial. The parking demand has been determined by standards set by Santa Cruz County and the Association of International Traffic Engineers for residential and office use combined. The commercial uses allowed will be those consistent Santa Cruz County code 13.10.552 with parking requirements of 5 spaces per 1,000 square feet of gross area or less.

Friday, April 13, 2007

As owners of parcel 030-201-36, we have seen the Road Maintenance and Circulation Agreement from May 20, 1986. We have also reviewed the site plan currently that is part of development application 05-0721. We do not have a problem with county approving application 05-0721.

Tom Brosard

Signed Tom Brosard, owner of parcel 030-201-36

Signed Dale Dale Berman owner of parcel 030-201-36  
DALE BERMAN 4/13/07



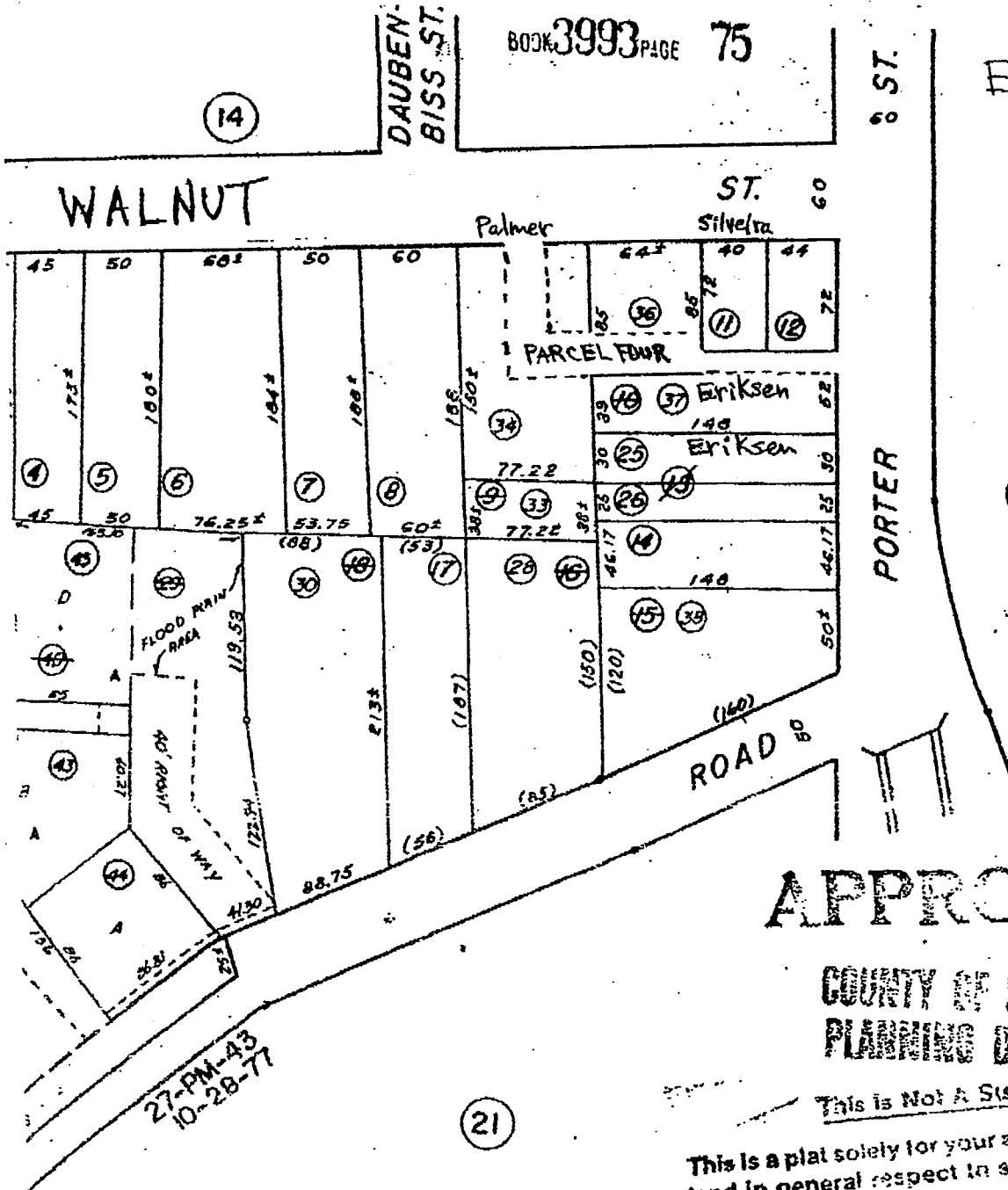


Exhibit "A"



**APPROVED**

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

*J.B.*

This is Not A Survey

This is a plat solely for your aid in locating the land in general respect to streets and other parcels. Ticor Title Insurance Company assumes no liability for any loss occurring by reason of reliance thereon.

*S-27*

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

Assessor's Map No.30-20  
County of Santa Cruz Calif

FROM : Time Realty

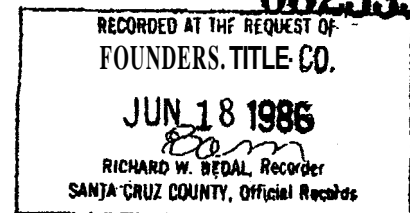
PHONE NO. : 831 462 2223

FEB. 27 2007 06:02P P3

Anthony and Kandie Silveria  
2223 Soquel Drive  
Santa Cruz, CA 95065

BOOK 3993 PAGE 69

ROAD MAINTENANCE & CIRCULATION AGREEMENT



This Agreement is entered into this 20th day of May 1986, by and among the owners of that real property located in the County of Santa Cruz, State of California, as described in Exhibit "A" attached hereto and made a part hereof and pertains to that right of way described as Parcel Four in the aforementioned Exhibit.

Each of the owners of these parcels or any future division of these parcels shall have equal right to, and obligation for, the benefits to this road and shall have one vote per parcel in matters pertaining the same. The cost of improvements shall be limited to within each owners parcel boundaries.

The owners of these parcels or any subsequent division of these parcels agree that each owner shall be responsible for damage to the road caused by themselves, family, friends or any service people or vendors doing service or handling goods ordered by or for themselves. In the event any damage is done to the road, the owners responsible shall perform or initiate necessary work to return the damaged portion of road to its prior condition. Necessary work shall be completed as soon as practicable or within 45 days from first noted damage. The parties agree to maintain the road to minimum standards which shall consist of whatever work is needed to keep the road mud-free, dust-free, safe, and adequate for year-round two-way traffic, and the storm drainage facilities functioning effectively. All work shall be done by a contractor or other qualified person acceptable to the majority of the parties.

Improvements to the road shall be ordered, implemented and paid for upon mutual approval of the owners party to the Agreement and shall be paid for in equal portions by all owners. Excepting owner(s) of APN's 30-201-25, 34, 36, & 37 shall be solely responsible for the initial similar improvement of each of their lot portions lying within their property lines meeting the existing improved borders of APN 30-201-11 & 37.

All sums assessed in accordance with the provisions of this Agreement shall constitute a lien on each respective parcel owned by those party thereto.

The Parties agree that the rights and responsibilities contained in the Agreement shall constitute covenants running with the land.

Should any provision of this Agreement be unlawful or unenforceable through statute or law, the parties agree that this shall not cause the total Agreement to terminate, and that they shall be bound by the remaining

RE	MI
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SF	2
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OP	LN
CO	

P. 2  
J.B.

BOOK 3993 PAGE 70

## ROAD MAINTENANCE &amp; CIRCULATION AGREEMENT (CON'T)

covenants and promises herein contained.

The parties intend by this Agreement to impose mutually beneficial covenants Concerning the maintenance and repair of Parcel Four. The parties hereto further agree to obligate themselves, their heirs, personal representatives, successors and assigns to maintain and improve said road in accordance with the terms and conditions of this agreement.

Currently to meet the parking and circulation necessities for the existing 4630 West Walnut Building know as APN 30-201-11, vehicles or pedestrians may ester a recorded right of way described as follows: A right of way for ingress and egress, 12 feet in width, the Northern line of which is the Southern line of the lands conveyed to Michael D. Liles, et.al., by Deed recorded on July 22, 1982, in Book 3465, Page 670, Official Records of Santa Cruz County and of the lands conveyed to May Gravenhorst, et.al., recorded on July 17, 1978, in Book 2937, Page 88, Official Records of Santa Cruz County.

Depending on when the commercial development/improvements are approved for each separate parcels of APN's 30-201-25, 34, 36 and 37, vehicle, pedestrian, parking and circulation arrangements shall be planned and agreed in writing between each parcel mentioned above.

It is the intention of May Gravenhorst Sfauffer or her assigns to further develop the existing vehicle and pedestrian right of way to enter off Porter Street to run through APN 30-201-34, 36 and 37 and then cut out of APN 30-201-34 to ultimately exit into West Walnut.

(See Exhibit: "A" attached).

WITNESS OUR HANDS this 17<sup>th</sup> day of June 1986.

May Gravenhorst Sfauffer  
Bob Gravenhorst

Anthony Silveira  
Kandi Silveira



To Commissioners: Gustavo Gonzalez; Albert Aramburu; Renee Shepherd; Rachel Dann; Robert Bremmer.

I am emailing you in regards to the Planning Commission meeting on 2/28/07 concerning the Porter Street (Soquel Village) APNs: 030-201-25, 33, 34, & 37

The meeting was continued to April 11<sup>th</sup> because, as we understand it, the planner/architect just that day received something about the Walnut & Porter building that was constructed in '86 and something to do with the filing of Right of Way through the Dentist's property, which is slated to become the driveway to the whole development. To be reviewed.

During the PowerPoint presentation that showed some plans, the picture of the house on the corner of Porter and Walnut, which was used to show how the new structures were similar to the surrounding area. We contend that this may be the only structure that looks like that, and it's probably one of the worst looking structures in the area! We gave commission several photographs of the buildings on Soquel-Wharf, Walnut, and Porter Streets, and a few of the back area where our residence (4619 Soquel-Wharf Rd.) will view the new buildings. Carl and I are more than happy to have anyone from the commission come to our house to see this view, and why we may have some concerns.

During the meeting, Mr. Bremmer had asked about the Arborist Study, which identified one tree that should probably come out since it would impair the other tree next to it. Robert's question was why that mattered since the tree that would be impaired was to come out anyway. The planner said that they almost always do an Arborist study, and that's just their findings. Robert was very concerned about how many trees were coming out, besides the fact that that gives the planning dept the most phone calls on any new project! He was especially concerned about the Walnut tree. As I mentioned at the meeting, we are not "tree huggers" by any means, but when it comes to softening up an area, and since Soquel is very rural anyway, those large trees are valuable to the surrounding area and the view we all see and enjoy. Removing them, and even adding smaller trees, will do nothing hide the 31 foot structures, unless the trees will end up growing that tall. The Walnut tree at the corner of the lot, at the front, is one of the oldest trees in Soquel, and it would be a shame to remove it for a parking place or a driveway!

Renee Shephard talked about the site meeting that took place on a Saturday in October, and wanted to know how that went. All the neighbors (about 16 of us showed up) were pleased to have the opportunity to see what was being planned. The owners were friendly, but surprised by our concerns. From what we can tell however, very little of the plans were changed from that meeting in October to the present as far as our input. I did find it interesting that the "owners" write the report on how that site meeting went to certify they had the meeting. Seems like that would be biased. Renee (commission) suggested a neutral party be present in future site meetings. We agree.

We do find it hard to see how "wonderful" the project is (per the architect), and how it will "enhance" Soquel Village. We do feel for the owners, as when they first purchased

the properties, didn't know each other. It was an accident that they both had their own projects in mind and ended up at the same architect's office. When the plans were submitted to the Planning Dept at the same time, it was the Planning Dept that suggested they merge, in order to ease the problems of driveways, etc. So really, these owners were may not have been helped by the Planning Dept because it's made it very difficult to finish the project, working on it for 3 years, and lost lots of money in the process. However, that doesn't change the fact that as future neighbors, we have some concerns.

**Ingress and Egress** - The Architect didn't feel that ingress/egress and traffic was an issue, since anyone leaving the property could turn right on Porter and make a U-Turn at the Main St light to go towards Soquel Dr. The traffic on Porter is generally backed up well towards Soquel Dr. in the mornings and late afternoons, making it nearly impossible to turn right and get into the left turn lane either from the property in question, or off of Soquel-Wharf Rd. Turning left from either location has the same issues, and I can't see how it will be safe turning left out of that property's driveway. As for the driveway off of Walnut, at the back of the property, it is very small, and it appears it will have a large impact to the two structures on either side, with cars at probably all hours of the day and night passing through there. Robert had mentioned the impact of traffic with the businesses there, and depending on what type of business, the size of vehicles coming in and out could be an issue.

**Traffic** - We are concerned about the extra traffic, especially during school hours. One neighbor who has lived there 5 years said there been about 5 accidents there (Walnut and Porter) since she has lived there. She is also concerned about all the kids coming and going from school, and their safety.

**Parking** - With all that parking, it will be just cement and structures. Not what we are used to in our little Village.

**Drainage** - although the drainage concern has been dealt with (we were concerned with the drainage onto other surrounding lots at the back of the property), when doing that, we want to be sure that it's done in a way that will keep their dirt from eroding onto other surrounding properties.

**Height of buildings** - because they now have to raise the ground at the rear of the property in order to drain properly, it will raise the structure another 4 feet, making it 31 feet **high!** That's lots of building to look at from everyone's backyard!

**Easement** - We had understood that the "easement" they are using for the Porter driveway might not be zoned for anything but foot traffic. We understand that the planner and the commission will check on that.

**Soquel Village Plan** - We also understood the Plan to say that the buildings at the front of the property needed to be one-story, and that there was to be no visible parking from the front. The Planning Dept was going to look at that again.

**Scale of project** – We are worried about the size of the project for our area. We all feel we have to stand up for our area, as most of us plan on spending many years, if not the rest of our lives, in our homes here. This is a large impact to our community.

It appears that this will add quite a few more residents and customers of businesses, as well as the employees of the business, to the neighborhood. This may not seem like a large impact to some communities, but this is not a 10-block neighborhood, it's really only 1 block! Everyone we have spoken to in our little community has said that this will impact them, and that one of the reasons they've moved to this area is because of the rural feel. Adding apartments on top of businesses, with that many more people is not why we pay so much for our homes, and keeping them homey and comfortable.

**Crime** – Because Porter St can be busy, and for that matter, the traffic on Wharf and Walnut can be heavy, we have all experienced an increase in crime in our neighborhoods (burglary, stolen cars, unseemly characters bothering some residents, problems with mailboxes, etc). The majority of us are homeowners and as such, we have become a very tight community, with very little change to the residents. Having 5 more rentals in a 1-block radius makes this a more transient area and may not be helpful for improving the crime rate.

**Details** – The Architect mentioned that the small details weren't that important for the Planning Dept to worry about, but we believe that it is the small details that are important to the community.

Bottom line is this. I think we know that these owners will be allowed to build here in some fashion.

Our greatest concern is how many people this will add to our small area. We have stated that above, but it's the number one priority for us.

Our second greatest concern is if there are enough trees left, or *large* new ones planted, it will help the looks of things (selfishly, especially from our house!). However, we would request that those trees not be redwood trees, as they are too massive and will blot out the sky!

The neighbors of the Porter Street property hope you will take these concerns into consideration as you make your judgment. We hope that when someone does build on this land, the Commission and the Planning Department will take the size of the lots, and how many people, cars, cement that will be added to this very small area, and that the builders/owners are held to the same standards that the rest of us were held to when we improved our properties.

Thank you very much for your time and consideration! We felt it was important to give you our concerns and feedback before the next meeting on April 11<sup>th</sup>.

April 29, 2007

To: Santa Cruz County Planning Commission  
701 Center Street  
Santa Cruz, CA 95060  
Attention: Lani Freeman, Chairwoman

From: Candace Muncey, Candace Hair Design  
2515 Porter St.  
Soquel, CA 95073

Subject: County Planning Project #05-0721, 4610 Walnut St. and 2601 Porter St., Soquel, CA,  
APN's 030-201-25, 33, 34 & 37

Dear Ms. Freeman,

I would like to submit the following comments regarding the above referenced project which is coming before the Planning Commission;

For 17 years, I have owned a business located at 2515 Porter St., adjacent to the proposed project property. It is my understanding that the project developers are requesting that they be allowed to remove the existing trees on the property. I feel that allowing them to do so would be a serious and senseless negative impact on the area.

I am well aware that a project of this magnitude cannot be completed without the removal of existing vegetation but in particular, I am very concerned about the proposed removal of three of the existing trees on the property. These are beautiful and mature trees which have been a significant part of the landscape in the neighborhood and their destruction, only to be replaced with new immature plantings seems to me to be incongruous with a forward thinking community and the small town appeal of Soquel.

One of the trees, a Brazilian pepper tree, fronts on Porter Street and is one of the most beautiful and lush specimens around and it has always added a touch of green, even in winter. Also slated for destruction are another Brazilian pepper tree near the back of the property and a majestic walnut tree. It is thought that this walnut tree may have been part of the original grove for which Walnut St. was named.

All too often in today's age, our heritage, that which came before us, is plowed under in order to make way for the benefit of "progress". These trees have been part of our community for many years and could, if given the chance continue to enhance the area for many years to come. Although preserving these trees may not be as convenient or expedient as cutting them down, I am not able to understand why the project developers could not resubmit their design in order to accommodate some of the existing landscape and I respectfully request that the Planning Commission direct them to do so.

I am including some photographs of the trees as well as a grassroots petition my friends, neighbors, and clients have signed in support of saving the trees.

Thank you for allowing me this opportunity to make my concerns heard. I and many others look forward to hearing the Planning Commission's determination on this matter.

Sincerely,

Candace A. Muncey

## Lawrence Kasparowitz

To: candacehair@yahoo.com  
Subject: project at Walnut and Porter

There are two ordinance which apply:

note that this is NOT in the Coastal Zone....

### Significant Tree.

For the purposes of this Chapter, "significant tree" shall include any tree, sprout clump, or group of trees, as follows:

(a) Within the Urban Services Line or Rural Services Line, any tree which is equal to or greater than **20** inches d.b.h. (approximately 5 feet in circumference); any sprout clump of five or more stems each of which is greater than **12** inches d.b.h. (approximately 3 feet in circumference); or any group consisting of five or more trees on one parcel, each of which is greater than 12 inches d.b.h. (approximately 3 feet in circumference).

(b) Outside the Urban Services Line or Rural Services line, where visible from a scenic road, any beach, or within a designated scenic resource area, any tree which is equal to or greater than **40** inches d.b.h. (approximately 10 feet in circumference); any sprout clump of five or more stems, each of which is greater than 20 inches d.b.h. (approximately 5 feet in circumference); or, any group consisting of ten or more trees on one parcel, each greater than **20** inches d.b.h. (approximately 5 feet in circumference).

(c) Any tree located in a sensitive habitat as defined in Chapter **16.32**. Also see Section **16.34.090(c)**, exemption of projects with other permits.

Significant Tree Removal Permit. A permit issued pursuant to the provisions of this Chapter.

Sprout Clump. Individual stems arising from one root collar and sharing a common root system. (Ord. **3341**, 11/23/82; **3443**, 8/23/83; **4346**, 12/13/94)

### Existing Trees.

(i) Mature trees over **6** inches in diameter at 5 feet above ground level shall be incorporated into the site and landscape design unless other provisions of this subsection allow removal.

(ii) Circumstances where tree removal may be appropriate include: the obstruction of the prime building site to provide an appreciably better project design not possible without the tree removal; retention of solar access to adjacent properties; dead, dying or diseased trees; nuisance trees; and trees which threaten adjacent development due to instability.

(iii) An evaluation and recommendation by a landscape architect or a licensed arborist shall be required in order to substantiate the removal of any mature tree based on a claim that the tree is unhealthy or poses a nuisance or threat to adjacent development.

(iv) The applicant may be required to replace any mature trees which are permitted to be removed, as determined through the design review process.

(v) The decision-making body may waive the requirement of removal of invasive species in order to protect visual amenities.

*Lawrence Kasparowitz*

Urban Designer,  
Planning Department  
County of Santa Cruz  
831-454-2676

**Gary Kohler & Kathy Lyons  
4600 Soquel Wharf Road  
Soquel, CA 95073**

April 2, 2007

Santa Cruz County Planning Commission  
701 Ocean Avenue, 5<sup>th</sup> Floor  
Santa Cruz, CA 95060

**RE: Proposed Development at 4610 W. Walnut and 2601 Porter, Soquel  
Application NO. 05-0721  
Planning Commission Hearing Date: April 11, 2007**

Dear Commissioners,

This letter is to express our concern on the commercial/residential project proposed at 2601 Porter Street, Soquel, which is before your commission for consideration. This project is located about one block from our residence. As we will not be able to attend the April 11 hearing, we hope that you will consider these written comments during your deliberations.

Our primary concern on the proposed project is related to the projects consistency with the General Plan and specifically, with the intent and guidelines set forth in the County-adopted Soquel Village Plan. **We do not believe the project as proposed is consistent with all elements of the General Plan, including the Soquel Village Plan, as so asserted in the Staff Report and Finding #3. The staff report, and hence the environmental review of the project, fails to adequately address this consistency issue.**

As residents and homeowners within Soquel Village for the past 20 years, we were active public participants during the County's formation of the Village Plan. We attended all the meetings and, with many other members of the Soquel community, expressed our concerns for the future of the village. As were most residents of Soquel, we were pleased with the Soquel Village Plan, its long-term goals and in particular the design guidelines set forth for the central village and its entry points (which includes Porter Street and the subject property). We were pleased that the County Board of Supervisors unanimously adopted the plan in 1990.

The Village Plan sets specific design guidelines for new construction for buildings fronting Porter Street (identified as the **SW** quadrant of the village) and specifically addressed on pages 34-35, *Porter Street Design Guidelines – South of Soquel Drive*.

The adopted Village Plan design guidelines include:

**Consistency with Key Architectural Features** - The Village Plan is to "provide direction for future development of Soquel Village". The plan identifies key architectural features of the village that are to guide future development. On Porter Street, the key architectural landmarks identified in the Village Plan are the Spanish style Soquel Elementary School and the other Spanish style stucco buildings between Walnut Avenue and Soquel Drive.

- *Proposed Project: The proposed project is inconsistent with this design principle. The proposed project is in a Craftsman style, which is not identified as*

*a key architectural feature of the village. When this issue was brought to the attention of the applicant at the neighborhood site meeting, the applicant responded (in his written synopsis of this meeting which is included in the staff report) that the proposed design incorporates stucco on the bottom and horizontal siding on the top and that this design "reflects the character of the neighborhood better than a by the book Spanish-style building would". We assume the "book" he is referring to is the General Plan and specifically the adopted Soquel Village Plan. This statement also seems to imply that the project applicant is aware the project **is** not consistent with village design guidelines.*

- o The project should be redesigned to meet the adopted guidelines. We urge the Planning Commission to uphold the Design Guidelines as set forth in the Soquel Village Plan and to require this project be consistent with the General Plan. We respectfully submit that the Spanish style architecture along Porter Street is a defining feature for this entryway into Soquel. The Board of Supervisors shared this opinion when they adopted the plan in 1990. Until such time **as** the Village Plan **is** updated and the Board of supervisors adopts such a plan, the existing "book" should be followed.*

**SW Quadrant Guideline #3** - Buildings fronting on Porter Street (with the exception of corner lots at Soquel Drive and Walnut Street) should remain one-story in height.

- o Proposed Project: The proposed project is inconsistent with this guideline. The proposed project has a 2-story building fronting Porter Street. The commissioners should also be aware that, until recently, the property at 2601 Porter Street supported a single-story residence. This residence had been there **for** at least 50 years (it appears in an aerial photo dating back to 1959) and was demolished last year (2006). It is clear that the Soquel Village Plan envisioned this property would be retained as a single-story structure.*
- o The project should be redesigned to meet the adopted guidelines. Any new building constructed **to** replace the previous structure should be one-story where it fronts Porter Street.*

**Porter Street Guideline #4** - Shared, cooperative parking should be behind buildings.

- o Proposed Project: The proposed project is inconsistent with this guideline. The project has public and residential parking fronting Porter Street.*
- o The project should be redesigned to meet the adopted guidelines.*

Thank you for your consideration of these comments. We are interested in seeing the character of Soquel Village retained and enhanced, yet in manner that is consistent with the County General Plan, including the Soquel Village Plan. We do not feel the project as currently proposed warrants approval based on general plan inconsistencies without the County's full disclosure of such inconsistencies and a statement of findings as to why a project with such inconsistencies would be approved.

Sincerely,

Gary Kohler

Kathy Lyons



## Lawrence Kasparowitz

---

**From:** Lani Freeman  
**Sent:** Tuesday, May 08, 2007 2:16 PM  
**To:** 'Patty Dougherty'  
**Cc:** Nancy Mulkey; Lawrence Kasparowitz  
**Subject:** RE: Porter Street Development

Hi Patricia,

I'm passing your letter on to the Project Planner, Lawrence Kasparowitz.

We will make sure your letter gets to the Planning Commission with the staff report.

I do work for the Planning Department and the Planning Commission, but I am not on the Planning Commission. Please inform the person who gave you my email that the letters should be addressed to the Planning Commission, not me.

Respectfully,  
Lani Freeman

Lani Freeman  
County of Santa Cruz  
Planning Department  
and Planning Commission  
Phone: (831)454-3132  
Fax: (831)454-2131

-----Original Message-----

**From:** Patty Dougherty [mailto:pattyd@aawsom.com]  
**Sent:** Tuesday, May 08, 2007 12:31 PM  
**To:** Lani Freeman  
**Cc:** Nancy Mulkey  
**Subject:** Porter Street Development

Dear Ms. Freeman:

We are residents of Soquel Wharf Road, and are very concerned about the planned development on Porter Street.

As we all know, development is happening everywhere, but to us, not for the better of our communities, but for the pockets of the developers.

Our little town of Soquel is just that, a little, quaint town, and we would like to keep it that way. If this project happens, it will impact Soquel, and especially some of my neighbors, who will be affected by trees being taken out (how can this happen, it is a shame) by having no privacy if that indeed happens, and the traffic will be horrendous.

We protest this development, and wanted to write this and get it to you before the meeting tomorrow, which both of us cannot attend due to work schedules.

Progress is not a good description of what is going on in all of our communities. We have got to stop the destruction of our towns and cities, taking into consideration pollution, global warming, population, and of course, our children.

Thank you for taking the time to read this letter, and I hope consideration towards saving our town will be the main outcome of all of this.

Sincerely,

Patrice Dougherty and William Burnside  
4540 Soquel Wharf Road  
Soquel, Calif. 95073

April 29,2007

To: Santa Cruz County Planning Commission  
701 Center Street  
Santa Cruz, CA 95060  
Attention: Lani Freeman, Chairwoman

From: Candace Muncey, Candace Hair Design  
2515 Porter St.  
Soquel, CA 95073

Subject: County Planning Project #05-0721, 2601 Porter St., Soquel, CA, APN's030-201-25, 33, 34 & 37

Dear Ms. Freeman,

I would like to submit the following comments regarding the above referenced project which is coming before the Planning Commission;

For 17 years, I have owned a business located at 2515 Porter St., adjacent to the proposed project property. It is my understanding that the project developers are requesting that they be allowed to remove the existing trees on the property. I feel that allowing them to do so would be a serious and senseless negative impact on the area.

I am well aware that a project of this magnitude cannot be completed without the removal of existing vegetation but in particular, I am very concerned about the proposed removal of three of the existing trees on the property. These are beautiful and mature trees which have been a significant part of the landscape in the neighborhood and their destruction, only to be replaced with new immature plantings seems to me to be incongruous with a forward thinking community and the small town appeal of Soquel.

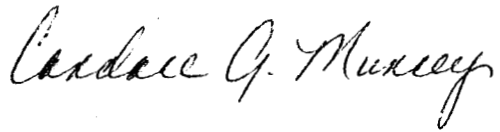
One of the trees, a Brazilian pepper tree, fronts on Porter Street and is one of the most beautiful and lush specimens around and it has always added a touch of green, even in winter. Also slated for destruction are another Brazilian pepper tree near the back of the property and a majestic walnut tree. It is thought that this walnut tree may have been part of the original grove for which Walnut St. was named.

All too often in today's age, our heritage, that which came before us, is plowed under in order to make way for the benefit of "progress". These trees have been part of our community for many years and could, if given the chance continue to enhance the area for many years to come. Although preserving these trees may not be as convenient or expedient as cutting them down, I am not able to understand why the project developers could not resubmit their design in order to accommodate some of the existing landscape and I respectfully request that the Planning Commission direct them to do so.

I am including some photographs of the trees as well as a grassroots petition my friends, neighbors, and clients have signed in support of saving the trees.

Thank you for allowing me this opportunity to make my concerns heard. I and many others look forward to hearing the Planning Commission's determination on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Candace G. Muncey". The signature is written in dark ink and is positioned above the printed name.

Candace A. Muncey



**Brazilian pepper on Porter, from across Porter**



**Brazilian pepper on Porter, from project property**



**Walnut tree**



**Brazilian peppers towards rear of property**

Aug 23  
1991  
orig. 9.10

This is a list of the names  
the tree at 2601 Santa St. Soquel

Diana R Perry 570 Dana Ave ST 95726  
Sharon Kuylen 814 Isabel Ct Santa Cruz  
Linda H. Lurie 3367 Aptos Ranch Rd Aptos 95003  
James Kallan PO Box 958, Ben Lomond 95005-  
Linda Lurie 270 W. Hiltor Dr., Soquel Creek CA 95008  
H. So 6852 Paradise Rd, Humidity, CA 95007  
Elizabeth 101 Santa St. Santa Cruz CA 95060  
D. H. Lurie 3701 Mission Dr Santa Cruz CA 95061  
H. So 5711 Mission Dr Santa Cruz CA 95061  
Debra L. Criss 410 Hickman Ct. Santa Cruz, CA 95062  
Chyllis Dancy 55 Hollis Dr. S.C. 95060  
Joel Lynn Steinhilber 3901 Terra Ln. ~~Soquel~~ 95063  
Joe Smith 5201 Quartet Ct. Soquel 95063  
Pat Robinson 181 Alta Dr., La Selva Beach, CA 95076  
Carolyn Kruger 1129 Via Tomasol, Aptos, CA 95003  
Susan Granucci 152 Zinfandel Crcl, Scotts Valley, CA  
Libby Hugel 2947 Pleasant Valley Rd Aptos 95003  
Cristee Nieker 140 Lomas Dr. Scotts Valley, CA 95066  
Catherine Marshall 37439 Stonewood Dr. Fremont CA 94536  
Bonita Sebastian 315 Spruce St. #6 Santa Cruz CA 95060  
Nancy Monis 620 Arroyo Seco Santa Cruz CA 95060  
Debra Wollesen 509 Ventana Aptos CA 95003  
Diane Lamotte 604 Middlefield Dr. Aptos CA 95003  
Liberie Reilly 604 Middlefield Dr. Aptos CA 95003

Amy A. Steenstrup 3901 Terra Lane Soquel 95073  
 Gossite, Nico 240 Center Ave. Apt #7 Aptos 95003  
 Matt Smith 240 Center Ave. #7 Aptos CA 95003  
 ALICE PENNES 3961 GLENHAVEN RD SOQUEL CA 95073  
 Trenody Robello 110 Hidden Moon Road Watsonville CA 95003  
 Cherie Culver 920 Capitola Ave #76 Capitola CA 95010  
 Far Haggler 119 Spanish Bay Dr., Aptos, CA 95003  
 Jennifer Douglas 530 Quail Run Rd, Aptos, CA 95003  
 Kate Cherry 2105 Brommer St, Santa Cruz CA 95062  
 Antoinette Hoote 196 Kenix Ct Santa Cruz CA 95065  
 Theresa J Loback-Campbell 3220 Sylvaner Cir, Santa Cruz, CA 95062  
 STEVE A. CAMPBELL 3220 SYLVANER CIR. SANTA CRUZ CA 95062  
 Dair Murphy 325-14th Ave. Santa Cruz, CA 95062  
 Michele Ridgeway 2973 Childers Ln, Santa Cruz 12  
 Macky Dyer Box 54 Reoria, AZ 85380  
 Patty Flowers 492 Corralitos Rd, Corralitos 95076  
 Ann Michaelis 889 Prospect Hb. SC 95065  
 Cardace Muesey 6851 Carolice Rd. Bonadale, 93907  
 Geneva Swankin 449 Poppy Hill Rd. Corralitos, Ca 95076  
 Jane A. Jaxon 1053 Nobel Dr, Santa Cruz, CA 95060  
 Mary Joar Rodriguez 552 Bear Creek Rd #46 Scotts Valley 95066  
 Gabrielle Estill 109 Playa Blvd., La Selva, 95076  
 Chong Lemon 1901 Jennifer Dr Aptos, Ca 95003  
 Cathy Dobyns 121 Reed Way Santa Cruz 95060



Sanjay Singh 1150 1st St. #3 Aptos, CA 95027  
Jennifer Davis 1100 1st St. Aptos, CA 95027

William McGuire 1150 1st St. #3 Aptos, CA 95027

John Lila 1150 1st St. #3 Aptos, CA 95027

Harold Lila 1150 1st St. #3 Aptos, CA 95027

William Lila 1150 1st St. #3 Aptos, CA 95027

William Lila 1150 1st St. #3 Aptos, CA 95027

Pat Angelo 119 Spanish Bay Dr, Aptos, CA 95028

Ann Michaels 857 Prospect Ave. Santa Cruz, CA 95065

Joseph Smith 1150 1st St. #3 Aptos, CA 95027

Mary Smith 1150 1st St. #3 Aptos, CA 95027

John Smith 1150 1st St. #3 Aptos, CA 95027

John Clugendach 211 Kenneth Dr. Aptos, CA 95028

John Clugendach 211 Kenneth Dr. Aptos, CA 95028

John Clugendach 211 Kenneth Dr. Aptos, CA 95028

John Clugendach 211 Kenneth Dr. Aptos, CA 95028

Kate J. Cherry 1150 1st St. #3 Aptos, CA 95027

John Jones 1150 1st St. #3 Aptos, CA 95027

Nora Stewart 1150 1st St. #3 Aptos, CA 95027

John Jones 1150 1st St. #3 Aptos, CA 95027

John Jones 1150 1st St. #3 Aptos, CA 95027

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John Jones 1150 1st St. #3 Aptos, CA 95027



Nancy Lamoreaux 1761 Green Valley Rd. 95076  
 Nancy Lamoreaux 1761 Green Valley Rd. Watsonville 95076  
 Joelle Rubio 165 Owl Ridge Way Aptos 95003  
 Donna Saffren 111 Jackson St. S.C. 95060  
 Donna Saffren 111 Jackson St. S.C. 95060  
 Haven Foster 1 Eureka Cyn Rd. Corralitos, CA. 95076.  
 Clarendon Rainey 950 Whispering Pines Dr. Scotts Valley, CA 95066  
 Sarah Hill 505 N. Park Way, Santa Cruz 95062  
 Betty Ann Altman 500 Larsen Rd. Aptos, 95003  
 Kathleen Coleman 1402 Cox Rd. Aptos. 95003  
 Rachel Walker 410 Lock Dr. Aptos 95003  
 James R. Ingle 7047 Valley Dr. Santa Cruz  
 Kristen Long 127 Westmoor Ct SC, Ca. 95060  
 Lin Morell 4300 Glen Haven Rd. Soguel, CA. 95073  
 Shelly Elmer 1451 Dolphin Dr. Aptos 95003  
 Tim Foster 1 Eureka Cyn Rd. Corralitos, CA. 95076  
 Jim Nizio 44529 Lone Oak Ave Lancaster CA 93530  
 Kathy McCulloch 230 DeLaveaga Santa Cruz  
 Scott Newland 4640 Soguel Wharf Rd Soguel CA 95065  
 Paulina Hunt 4640 Soguel Wharf Rd Soguel 95073  
 Donna Saffren 111 Jackson St. Santa Cruz. CA. 95060  
 Caitlin Davis, 18 Ocean Ave, Santa Cruz CA 95065  
 Melissa Park 7000 Hwy 101, Aptos, CA 95026  
 Sarah Hill 505 N. Park Way, Santa Cruz 95062

## Revised Conditions of Approval – May 23,2007

(additional conditions/revisions shown shaded)

**Exhibit A:** Architectural plans prepared by Thacher & Thompson, Architects, (various dates).  
Civil engineering plans prepared by Ifland Engineers, dated 10/16/06.  
Landscape architectural plans prepared by Ellen Cooper, dated 8/31/05 and revised 11/15/06.  
Master Sign Program prepared by Adrian Nieto Design, dated October 12,2005.

- I. This permit authorizes lot line adjustments, the construction of three commercial buildings with residential units above and associated parking and landscape areas. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. No parcel map is required.
    1. The deeds of conveyance must contain the following statement after the description of the properties or portions of property to be transferred:
      - a. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 030-201-34 and Assessor's Parcel Number 030-201-33 as approved by the County of Santa Cruz under Application 05-0721. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
      - b. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 030-201-37 and Assessor's Parcel Number 030-201-25 as approved by the County of Santa Cruz under Application 05-0721. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."

2. Return a conformed copy of the deeds to the Planning Department.
3. If a map is also to be recorded with the County Surveyor's office (which is not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- B. The applicant's attorney shall submit written easements and restrictions for each lot to the Planning Department. These will be reviewed by County Counsel, and revised by the applicant as required. The applicant is then responsible for recording these documents on each affected lot prior to obtaining a building permit.
- C. The applicant shall record a deed restriction that **limits the use a commercial space** that is shown on the upper level of Building C to the **approved commercial uses** only.
- D. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
  1. **The applicant shall revise the Site Plan at the Porter Street side similar to Figure B in the staff report.**
  2. **The trash enclosure shall be moved to the north to save the Pine tree and to provide for additional planting for screening.**
  3. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
  4. Grading, drainage, and erosion control plans.
  5. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, 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 and the highest portion of the structure above.

This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.

**6. Details showing compliance with fire department requirements.**

- E. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- F. 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.
- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- H. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, if required.
- I. Pay the current fees for Parks and Child Care mitigation for:

Building A – two bedroom(s).  
Building B – two bedroom(s).  
Building C - three bedroom(s).

Currently, these fees are, respectively, \$600 and \$109 per bedroom.

- J. The proposed development is subject to Soquel Transportation Improvement (TIA) fees at a rate of \$440 per daily trip-end generated by the proposed use. The project plans show 4,482 square feet of commercial office space and five dwelling units. There are three trip rates for this project. The trip rate for commercial space under 2000 square feet is 18 trip-ends per 1,000 gross square feet. The trip rate for commercial space over 2000 square feet is 24 trip-ends per 1,000 gross square feet. The trip rate for each dwelling unit is ten trip ends. Below is a table showing the trip-ends calculated for each use.

Parcel	Use	Trip Rate	Trip Ends
A	1110 sf COM	18/ksf	20
A	1 dwelling unit	10/du	10
B	1338 sf COM	18/ksf	24
B	2 dwelling units	10/du	20
C	2034 sf COM	24/ksf	49
C	2 dwelling units	10/du	20

The total estimated trips are 143 trip-ends. There are 20 existing trip-ends. The total additional trip-ends are 123 trip-ends. The fee is calculated as 123 trip ends multiplied by \$440 per trip end equals \$54,120. The total TIA fee of \$54,120 is to

be split evenly between transportation improvement fees and roadside improvement fees.

- K. The parking area shall contain a least 28 parking spaces of which 5 parking spaces may be designed as compact spaces and appropriately marked, and 2 accessible spaces designed in accordance with Sections 13.10.550 through .560 of the County Code. All spaces shall be striped and defined by wheel stops (except for tandem spaces). Parking and circulation areas shall be surfaced as shown on the approved plans (Exhibit A). Full size, standard 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.
- L. 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.
- M. Show all rooftop equipment and any screening required to minimize visual impacts. All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.
- N. Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.
- O. 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 District 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.

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.

6. 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.
7. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
8. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
9. All planting shall conform to the landscape plan shown as part of Exhibit "A".
10. 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.
11. Details showing full implementation of the project arborist's recommendations for tree protection, incorporated into the civil engineer's site and grading plans. In addition to showing which trees are to be removed, specify no other trees shall be removed or damaged.
12. Final plans, including the Grading Plan, shall include [tree protection specifications] on the plans, and plans shall show the location of tree protection fencing. On the Grading Plan, specify a pre-construction meeting required with Environmental Planning (831-454-3164) at which time the tree protection fencing must be 100% in place. Also specify on the Grading Plan that site disturbance, vegetation removal, and grading shall not take place until Environmental Planning has given approval at the pre-construction meeting.
13. Revise the Landscape Plan to indicate retention of the Pepper tree and relocation of the larger Hackberry tree, as well as additional planting



behind the revised location of the trash enclosure.

0000 0000

- P. Details of a recycling facility including the following:
- a. Commercial, industrial, institutional and multi- family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.
  - b. Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa Cruz.
  - c. Recycling Design Criteria Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.
  - d. Recycling storage areas should be adjacent to or within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.
  - e. Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.
  - f. **An** exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled as specified by the County of Santa Cruz Recycling Design Criteria.
- Q. All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed 15 feet in height. The construction plans must indicate the location, intensity, and variety of all exterior lighting fixtures. All lighting must be consistent with Title 24, Part 6, California Code of Regulations, Energy Efficiency Standards for Residential and Non-Residential Buildings. All lighting shall be directed onto the site and away from adjacent properties.
- R. 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. Construction of improvements shall comply with the requirements of the geotechnical report. The geotechnical engineer shall certify in writing that the improvements have been constructed in conformance with the

geotechnical report.

- 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. Outdoor furniture and fixtures such as lighting, free-standing signs, trellises, raised planters, benches, trash receptacles, newspaper racks, bus stops, phone booths and fencing, shall be compatible with project architecture; shall be integral elements of the building and landscape design; and shall be included in, and shown on, all site and landscape plans.
- f. **Install a sign posting "No Left Turn" at the driveway entering from Porter Street**, facing the inside of the project
- g. 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.

#### IV. Operational Conditions

- 1. Master Occupancy Program: All change of use requests for uses allowed within the zone district shall be processed at Level 1, with the following restrictions:
  - a. No Level 1 Change of Use shall be approved that would create a parking demand in excess of the spaces currently provided on-site.
  - a. **Medical offices and clinics shall not be permitted.**
- 2. The Level 1 Change of Use application submittal shall include the following:
  - a. A description of the proposed use;
  - b. The area of the proposed use (in square feet) including any space proposed to be exclusively storage;
  - c. **A** sign plan for any proposed signage, consistent with the sign program approved for this commercial development permit.
- 3. The following uses are specifically prohibited:

- a. Adult entertainment, night clubs, dance halls, game rooms, pool halls, contractor's shops, automobile repair, taxi company, service commercial uses, recycling centers, shipping terminals, liquor store and massage parlor.
  - b. **Any** other uses not specifically allowed in the C-2 zone district.
- 4. 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. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate.
- 5. 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 indicated on the approved improvement plans.
- 6. 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.
- 7. 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).
- 8. 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:
  - a. 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.
  - b. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust fi-om leaving the site.
  - c. 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.

- IV. 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.

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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.**

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

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

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

\_\_\_\_\_  
Mark Deming  
Assistant Planning Director

\_\_\_\_\_  
Lawrence Kasparowitz  
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.

Application #: 05-0721  
APN: 030-201-25, 33, 37 and 46  
Owner: Robert and Nancy Eriksen

## **Lot Line Adjustment Findings**

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

This finding can be made, in that there were four parcels prior to the adjustment and there will be four parcels subsequent to the adjustment.

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

This finding can be made, in that no additional building sites will be created by the transfer as all parcels are currently developed, none of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', none of the parcels are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps, technical studies are not necessary and the proposal complies with the General Plan designation of the parcels (CC – Community Commercial) per 13.10.673(e).

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

This finding can be made, in that none of the parcels included in the proposal will be reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment.

## 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 commercial 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 commercial buildings 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.

This finding can be made, in that the proposed location of the commercial buildings and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the C-2 (Community Commercial) zone district in that the primary use of the property will be three commercial buildings with residential units above that meets all 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.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Community Commercial (CC) land use designation in the County General Plan.

The proposed commercial buildings will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and 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 Commercial buildings with residential units above. 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 commercial buildings 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 commercial buildings will comply with the site standards for the C-2 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design

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Owner: Robert and Nancy Eriksen

that could be approved on any similarly sized lot in the vicinity.

The project is within the boundaries of the Soquel Village Plan (adopted May 1990). This area is designated as C-2 zoning and no changes were proposed. There is no discussion in the text regarding the area where this development is proposed.

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 commercial buildings with residential units above are to be constructed on existing developed and undeveloped lots. The total estimated trips are 143 trip-ends. There are 20 existing trip-ends. The total additional trip-ends are 123 trip-ends. Department of Public Works reviewed the plans and had no comments regarding any significant impacts to the level of traffic on the streets 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 buildings are consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed Commercial buildings with residential units above, 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.



**Application Number: 05-0721**

**Staff Report to the Planning Commission**

**Exhibit L**

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**Staff Report to the Planning Commission**

**Exhibit L**



## Staff Report to the Planning Commission

Application Number: **05-0721**

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**Applicant:** Alan Palmer  
**Owner:** Robert and Nancy Eriksen  
**APN:** 030-201-25, 33, 34 and 37

**Agenda Date:** February 28, 2007  
**Agenda Item #:** 9  
**Time:** After 9:00 a.m.

### Project Description:

Four lots (with residences on one of the lots), having two owners with two lots each, and proposing:

1. adjustment of the lot lines between two pairs of adjacent parcels (four total),
2. construction of three new commercial structures with residential units above on three lots (maintaining an existing building on one parcel), and
3. construction of the associated parking and landscaping.

**Location:** 2601 and 2515 Porter Street, Soquel

**Supervisory District:** First District (District Supervisor: Janet K. Beautz)

**Permits Required:** Lot Line Adjustment, Amendment to Commercial Development Permit, Residential Development Permit and Preliminary Grading Approval

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0721, based on the attached findings and conditions.

### Exhibits

- |   |   |
|---|---|
| A. Project plans and Master Sign Program      | F. General Plan map                     |
| B. Findings                                   | G. Zoning map                           |
| C. Conditions                                 | H. Will Serve letters                   |
| D. Categorical Exemption (CEQA determination) | I. Discretionary Application Comments   |
| E. Location map                               | J. Urban Designer's Memo                |
|   | K. Public Meeting ad and notes          |
|   | L. Arborist's letter from Ellen Cooper, |
- 

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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Page 2

K.	Public Meeting ad and notes		April 19,2006
L.	Arborist's letter from Ellen Cooper, dated April 12,2006.	N.	Drainage letter from Ifland Engineers dated November 17,2006
M.	Parking letter from Marquez Transportation Engineering dated		

### Parcel Information

Parcel Sizes:	See table below
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	Commercial/residential/elementary school
Project Access:	Porter Street
Planning Area:	Soquel
Land Use Designation:	CC (Community Commercial)
Zone District:	C-2 (Community Commercial)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	NIA
Fire Hazard:	Not a mapped constraint
Slopes:	NIA
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	Minimal grading proposed
Tree Removal:	Arborist report attached
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Soquel Creek Water District
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

### Project Setting/Soquel Village Plan

The four lots which are to be developed after a lot line adjustment are located around the southwest corner of Porter Street and Walnut Street in the village of Soquel. The parking lot of the Soquel Elementary School is across the street (on the east side of Porter) from two of the lots.

The project is within the boundaries of the Soquel Village Plan (adopted May 1990). This area is

designated **was** C-2 zoning and no changes were proposed. There is no discussion in the text regarding the area where this development is proposed.

### Lot Line Adjustment

The project consists of two sets of two lots owned by separate owners (Palmer and Eriksen). The Palmer properties consist of one long lot with street frontage on Walnut Street and smaller parcel which is access from a deeded right-of-way from Porter Street. The Eriksen parcels are two long lots, both of which have frontage on Porter Street. See Sheet A3.0 of the project plans (Exhibit A) for both the current configuration and the proposed lot line adjustments for each. The following table describes the existing and proposed parcel areas.

	<b>Palmer (Walnut Street access)</b>	<b>Eriksen (Porter Street access)</b>
<b>EXISTING parcel area</b>	(north / 030-201-34) <b>12,170.5 sq. ft.</b>	(north / 030-201-37) <b>6,856.6 sq. ft.</b>
	(south / 030-201-33) <b>3,028.5 sq. ft.</b>	(south / 030-201-25) <b>4,423.1 sq. ft.</b>
	<i>Total = 15,199sq. ft.</i>	<i>Total = 11,279.7 sq. ft.</i>
<b>PROPOSED parcel area</b>	(north / 030-201-34) <b>10,002 sq. ft.</b>	(west / 030-201-37) <b>6,856.6 sq. ft.</b>
	(south / 030-201-33) <b>5,197 sq. ft.</b>	(east / 030-201-25) <b>4,423.1 sq. ft.</b>
	<i>Total = 15,199 sq. ft.</i>	<i>Total = 11,279.7 sq. ft.</i>

The Composite Site Plan, Sheet A2.1 shows the entire four parcels reconfigured with one existing building to remain, and three new buildings. The parking areas and driveways are shared between the proposed reconfigured parcels. The cross easements required for this arrangement are discussed below.

### Zoning & General Plan Consistency

The subject properties contain four lots, located in the **C-2** (Community Commercial) zone district, a designation, which allows commercial uses. Commercial uses are a principal permitted use within the zone district and the code allows residential uses (up to 50% of the total floor area) on the second floor. The project is consistent with the site's (CC) Community Commercial General Plan designation.

The three new buildings are similar in arrangement in that they all have commercial space below and residential space above.

## **Parking Analysis**

Commercial spaces require 1 parking space per 200 sq. ft. (less storage areas). The residential units require two spaces for each one-bedroom unit, two and a half spaces for each two-bedroom unit and **20%** of the total residential requirement for guest parking. **S.C. Ordinance 13.10.553 (b)** allows up to 20% reduction in total number of spaces if the project has **8** or more independent users. The applicant proposes to have 11 independent users.

Staff supports a reduction based on the number of users, the mixture of residential and commercial uses (having offset peak use hours) and because the applicant is requesting a minor reduction of 7% (**2.2** spaces).

Of the total of 30 spaces, four are designed to be compact and three are for disabled parking.

Marquez Transportation Engineering prepared a shared parking analysis (Exhibit **M**) using recent peak generation rates identified by the Institute of Transportation Engineers. They calculated the total demand generated by the commercial and residential uses as **27** spaces. The thirty spaces provided by the applicant are predicted to “provide a significant cushion for unexpected demands”.

## **Access and Parking Easements**

In order for this scheme to function, a series of easements and deed restrictions must be recorded against all lots. Sheet A3.1 represents these “cross-easements” in a key that is represented by different colors on the site plans. A condition of approval has been added which requires the applicant’s attorney to submit written easements and restrictions for each lot to the Planning Department. These will be reviewed by County Counsel, and revised as required. The applicant is then responsible for recording these documents on each affected lot prior to obtaining a building permit.

## **Design Review**

The proposal complies with the requirements of the County Design Review Ordinance, and has been reviewed by the County of Santa Cruz Urban Designer. (see Exhibit J). The applicant has submitted a Master Sign Program and staff is recommending approval of the program as submitted.

## **Environmental Review**

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed. These properties are located in the mapped Soquel Creek flood plain. The applicant submitted FEMA determination documents for the four parcels involved. The “outcome” of these determinations was that the properties are all “removed from the Special Flood Hazard Area”.

## Conclusion

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

## Staff Recommendation

- e Certification that the proposal is exempt **from** further Environmental Review under the California Environmental Quality Act.
- e **APPROVAL** of Application Number **05-0721**, based on the attached findings and conditions.

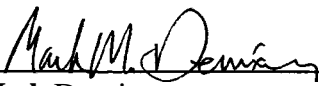
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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)

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

  
Lawrence Kasparowitz  
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701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
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Report Reviewed By: \_\_\_\_\_

  
Mark Deming  
Assistant Planning Director

Application #: 05-0721  
APN: 030-201-25, 33, 37 and 46  
Owner: Robert and Nancy Eriksen

## Lot Line Adjustment Findings

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

This finding can be made, in that there were four parcels prior to the adjustment and there will be four parcels subsequent to the adjustment.

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

This finding can be made, in that no additional building sites will be created by the transfer as all parcels are currently developed, none of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', none of the parcels are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps, technical studies are not necessary and the proposal complies with the General Plan designation of the parcels (CC – Community Commercial) per 13.10.673(e).

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

This finding can be made, in that none of the parcels included in the proposal will be reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment.



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Owner: Robert and Nancy Eriksen

## 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 commercial 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 commercial buildings 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.

This finding can be made, in that the proposed location of the commercial buildings and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the **C-2** (Community Commercial) zone district in that the primary use of the property will be three commercial buildings with residential units above that meets all 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.

This finding can be made, in that the proposed commercial use is consistent with the use and density requirements specified for the Community Commercial (CC) land use designation in the County General Plan.

The proposed commercial buildings will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and 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 Commercial buildings with residential units above. 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 commercial buildings 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 commercial buildings will comply with the site standards for the C-2 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design

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that could be approved on any similarly sized lot in the vicinity.

The project is within the boundaries of the Soquel Village Plan (adopted May 1990). This area is designated as C-2 zoning and no changes were proposed. There is no discussion in the text regarding the area where this development is proposed.

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 commercial buildings with residential units above are to be constructed on existing developed and undeveloped lots. The total estimated trips are 143 trip-ends. There are 20 existing trip-ends. The total additional trip-ends are 123 trip-ends. Department of Public Works reviewed the plans and had no comments impacts to the level of traffic on the streets 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 buildings are consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed Commercial buildings with residential units above. 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.

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Owner: Robert and Nancy Eriksen

## Conditions of Approval

Exhibit A: Architectural plans prepared by Thacher & Thompson, Architects, (various dates).  
Civil engineering plans prepared by Ifland Engineers, dated 10/16/06  
Landscape architectural plans prepared by Ellen Cooper, dated 8/31/05 and  
revised 11/15/06.  
Master Sign Program prepared by Adrian Nieto Design, dated October 12, 2005.

- I. This permit authorizes lot line adjustments, the construction of three commercial buildings with residential units above and associated parking and landscape areas. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa ~~Cruz~~ County Building Official.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. File deed(s) of conveyance (which must result in parcel configurations that match the approved Exhibit "A" for this permit) with the County Recorder to exercise this approval. Parcels or portions of parcels to be combined must be in identical ownership. No parcel map is required.
    1. The deeds of conveyance must contain the following statement after the description of the properties or portions of property to be transferred:
      - a. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 030-201-34 and Assessor's Parcel Number 030-201-33 as approved by the County of Santa Cruz under Application 05-0721. ~~This~~ conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
      - b. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 030-201-37 and Assessor's Parcel Number 030-201-25 ~~as~~ approved by the County of Santa Cruz under Application 05-0721. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."

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2. Return a conformed copy of the deeds to the Planning Department.
3. If a map **is** also to be recorded with the County Surveyor's office (which is not required to implement this approval), you must include a copy of these Conditions of Approval to the County Surveyor with the map to be recorded.

II. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder)
- B. The applicant's attorney shall submit Written easements and restrictions for each lot to the Planning Department. These will be reviewed by County Counsel, and revised by the applicant **as** required. The applicant is then responsible for recording these documents on each affected lot prior to obtaining a building permit.
- C. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
  1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
  2. Grading, drainage, and erosion control plans.
  3. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, 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 and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
  4. Details showing compliance with fire department requirements.

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- D. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, ~~if applicable~~.
- E. 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.
- F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- G. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, if required.
- H. Pay the current fees for Parks and Child Care mitigation for:

Building A – two bedroom(s).  
Building B – two bedroom(s).  
Building C - three bedroom(s).

Currently, these fees are, respectively, \$600 and \$109 per bedroom.

- I. The proposed development is subject to Soquel Transportation Improvement (TIA) fees at a rate of \$440 per daily trip-end generated by the proposed use. The project plans show 4,482 square feet of commercial office space and five dwelling units. There are three trip rates for this project. The trip rate for commercial space under 2000 square feet is 18 trip-ends per 1,000 gross square feet. The trip rate for commercial space over 2000 square feet is 24 trip-ends per 1,000 gross square feet. The trip rate for each dwelling unit is ten trip ends. Below is a table showing the trip-ends calculated for each use.

Parcel	Use	Trip Rate	Trip Ends
A	1110sf COM	18/ksf	20
A	1 dwellingunit	10/du	10
B	1338sf COM	18/ksf	24
B	2 dwelling units	10/du	20
C	2034 sf COM	24/ksf	49
C	2 dwelling units	10/du	20

The total estimated trips are 143 trip-ends. There are 20 existing trip-ends. The total additional trip-ends are 123 trip-ends. The fee is calculated as 123 trip ends multiplied by \$440 per trip end equals \$54,120. The total TIA fee of \$54,120 is to be split evenly between transportation improvement fees and roadside improvement fees.

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Owner: **Robert and Nancy Eriksen**

The parking area shall contain a least 30 parking spaces of which 5 parking spaces may be designed as compact spaces and appropriately marked, and 2 accessible spaces designed in accordance with Sections 13.10.550 through .560 of the County Code. All spaces shall be striped and defined by wheel stops (except for tandem spaces). Parking and circulation areas shall be surfaced **as** shown on the approved plans (Exhibit A). Full size, standard 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.

- K. 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.
- L. Show all rooftop equipment and any screening required to minimize visual impacts. All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.
- M. Utility equipment such **as** electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.
- N. 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 District 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.
  - e. 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.
  - f. 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.
  - g. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - h. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
  - i. All planting shall conform to the landscape plan shown as part of Exhibit "A".
  - j. 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.
- o.** Details of a recycling facility including the following:
- a. Commercial, industrial, institutional and multi-family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.

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Owner: Robert and Nancy Eriksen

- b. Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa ~~Cruz~~.
  - c. Recycling Design Criteria Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.
  - d. Recycling storage areas should be adjacent to or within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.
  - e. Maximum distance for the storage area ~~to~~ be no greater than 250 feet from each living unit in a multifamily residential development.
  - f. An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled as specified by the County of Santa Cruz Recycling Design Criteria.
- Q.** All outdoor areas, parking and circulation areas shall be lighted with low-rise lighting fixtures that do not exceed **15** feet in height. The construction plans must indicate the location, intensity, and variety **of** all exterior lighting fixtures. All lighting must be consistent with Title **24**, Part **6**, California Code of Regulations, Energy Efficiency Standards for Residential and Non-Residential Buildings. All lighting shall be directed onto the site and away from adjacent properties.
- 111.** 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. Construction of improvements shall comply with the requirements of the geotechnical report. The geotechnical engineer shall certify in writing that the improvements have been constructed in conformance with the geotechnical report.
  - 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



Application #: 05-0721  
APN: 030-201-25, 33, 37 and 46  
Owner: Robert and Nancy Eriksen

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. Outdoor furniture and fixtures such as lighting, free-standing signs, trellises, raised planters, benches, trash receptacles, newspaper racks, bus stops, phone booths and fencing, shall be compatible with project architecture; shall be integral elements of the building and landscape design; and shall be included in, and shown on, all site and landscape plans.
- F. 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.

#### **IV. Operational Conditions**

- A. Master Occupancy Program: All change of use requests for uses allowed within the zone district shall be processed at Level 1, with the following restrictions:
  - 1. No Level 1 Change of Use shall be approved that would create a parking demand in excess of the spaces currently provided on-site.
  - 2. The Level 1 Change of Use application submittal shall include the following:
    - a. A description of the proposed use;
    - b. The area of the proposed use (in square feet) including any space proposed to be exclusively storage;
    - c. A sign plan for any proposed signage, consistent with the sign program approved for this commercial development permit.
  - 3. The following uses are specifically prohibited:
    - (a) Adult entertainment, night clubs, dance halls, game rooms, pool halls, contractor's shops, automobile repair, taxi company, service commercial uses, recycling centers, shipping terminals, liquor store and massage parlor.

Application #: 05-0721  
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- (b) Any other uses not specifically allowed in the C-2 zone district.
- B. 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. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate.
- C. 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 indicated on the approved improvement plans.
- D. 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.
- E. 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).
- F. 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.
  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

Application #: 05-0721  
APN: 030-201-25, 33, 37 and 46  
Owner: Robert and Nancy Eriksen

coordinator shall investigate complaints and take remedial action, if necessary, within **24** hours of receipt of the complaint or inquiry.

- V. 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.

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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#: 05-0721  
APN: 030-201-25, 33, 37 and 46  
Owner: Robert and Nancy Eriksen

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

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

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

\_\_\_\_\_  
Mark Deming  
Assistant Planning Director

\_\_\_\_\_  
Lawrence Kasparowitz  
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: 05-0721  
Assessor Parcel Number: 030-201-25, 33, 34 and 37  
Project Location: 2601 & 2515 Porter Street, Soquel

Project Description: Proposal to:

1. demolish one residence,
2. adjust the lot lines between two pairs of adjacent parcels (four total),
3. construct three new commercial structures with residential units above on three lots (maintaining an existing building on one parcel), and
4. construct the associated parking and landscaping.

Person Proposing Project: Santa Cruz Properties, LLC

Contact Phone Number: (831)477-9004

- 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: 15303 New Construction or Conversion of Small Structures

F. Reason project is exempt: New small structures in a developed area.

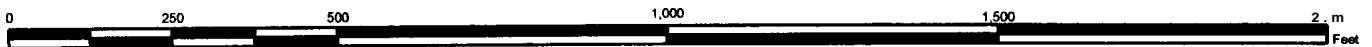
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner








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

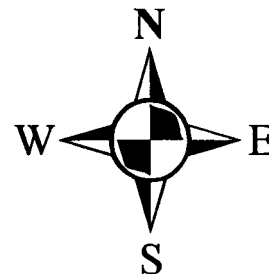


# Location Map



## Legend

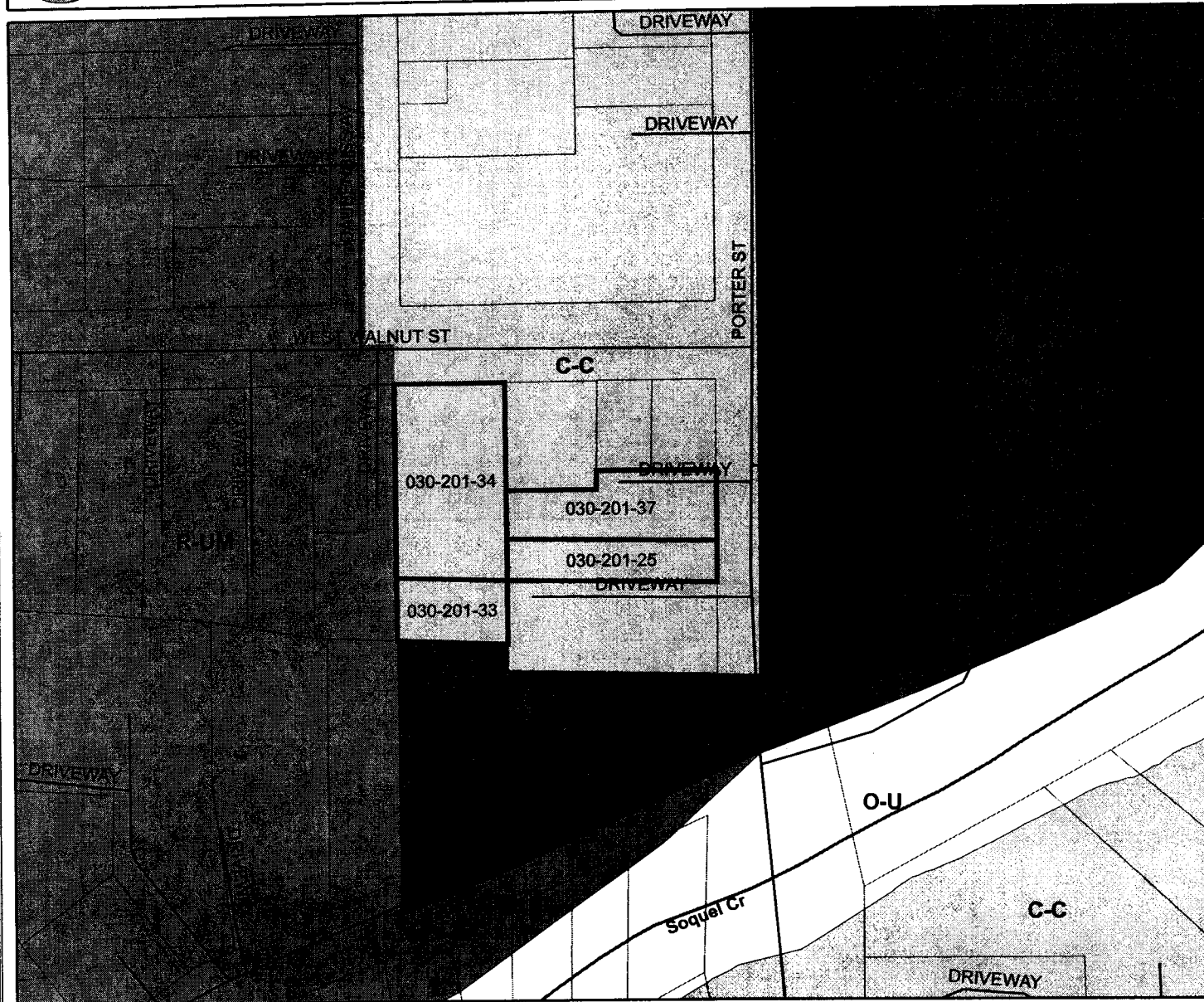
-  Subject Parcels
-  Assessors Parcels
-  State Highways
-  INTERMITTENT STREAM
-  LAKE
-  PERENNIAL STREAM
-  Major Roads








Map Created by  
County of Santa Cruz  
Planning Department  
October 2006

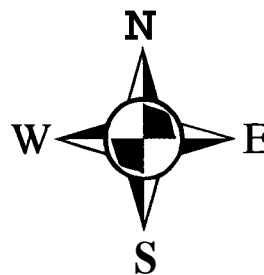


# General Plan Designation Map



## Legend

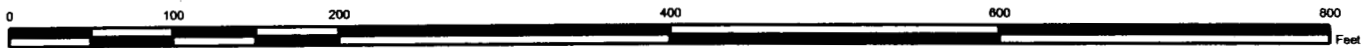
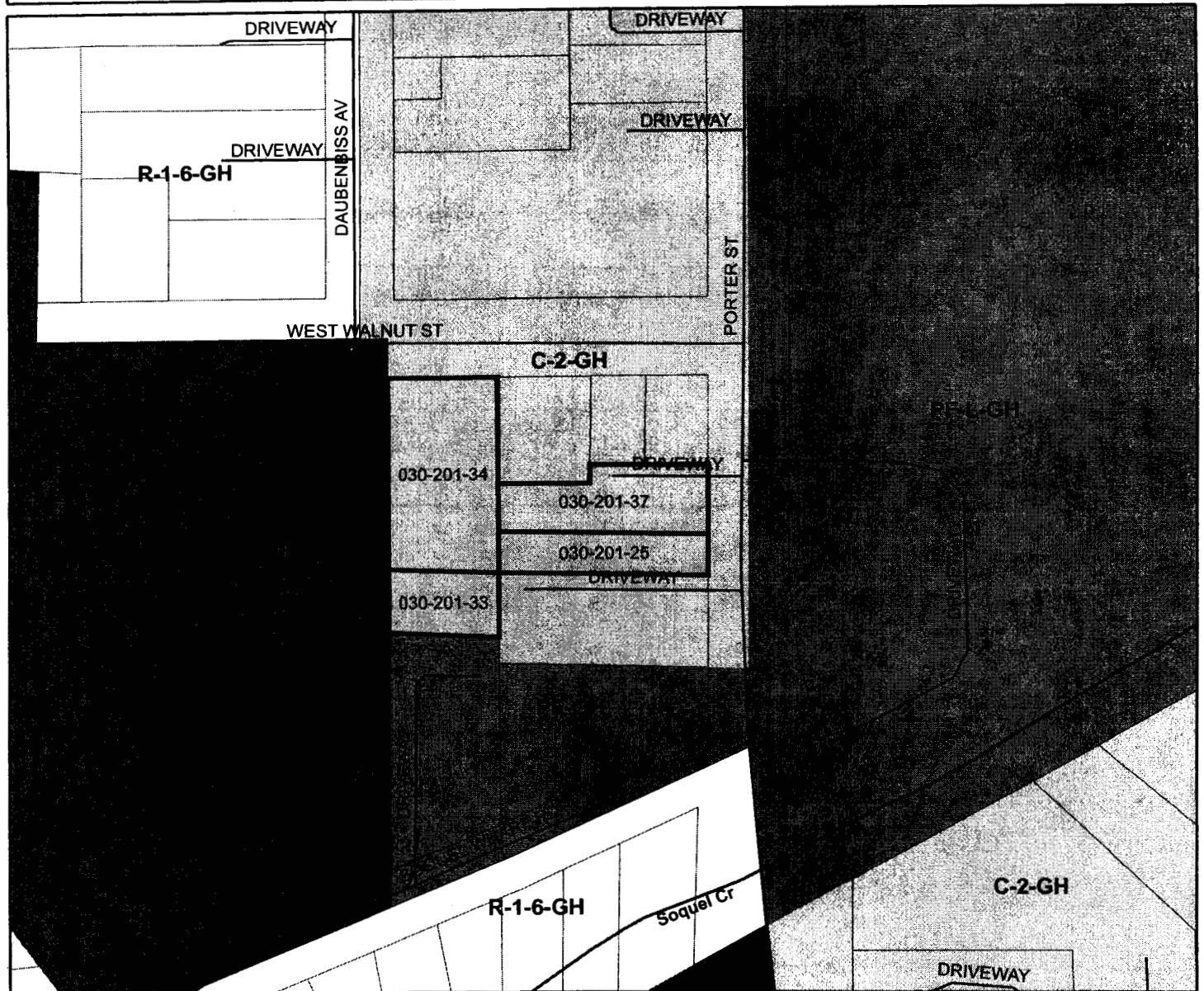
-  Subject Parcels
-  Assessors Parcels
-  Streets
-  Commercial-Community (C-C)
-  Residential - Urban Medium Density (R-UM)
-  Public Facilities (P)
-  Urban Open Space (O-U)



Map Created by  
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October 2006

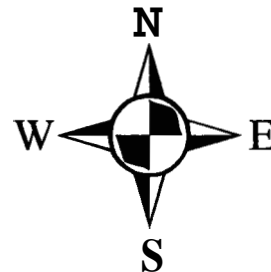


# Zoning Map



## Legend

- Subject Parcels
- Assessors Parcels
- Streets
- PERENNIAL STREAM
- COMMERCIAL-COMMUNITY (C-2)
- PUBLIC FACILITY (PF)
- RESIDENTIAL-MULTI FAMILY (RM)
- COMMERCIAL-NEIGHBORHOOD(C-1)
- RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by  
County of Santa Cruz  
Planning Department  
October 2006





P.O. Box 168  
Mail to: 5180 Soquel Drive  
Soquel, CA 95073-0168  
PHONE (831) 475-8500 FAX (831) 475-4291

## PROJECT COMMENT SHEET

Date of Review: 11/29/05  
Reviewed By: Carol Carr

Returned	Cathleen Carr
Project	County of Santa Cruz
Comments to:	Planning Department
	701 Ocean St., Ste. 410
	Santa Cruz, CA 95060-4073

Owner: Nancy & Robert Eriksen  
PO Box 482  
Capitola, CA 96010

Applicant: Alan Palmer  
8941 Cherryvale Ave.  
Soquel, CA 96073

Type of Permit: Development Permit  
County Application #: 05-0721

Subject APN: 080-201-26, 33, 57, & 46

Location: Property located on the west side of Porter Street about 100 feet north of the intersection of Wharf Road and Porter Street, Soquel.

Project Description: Proposal to transfer about 7,314.9 square feet from APN 080-201-34 to APN 080-201-33 resulting in a 4,855.6 square foot parcel (Parcel D) and a 10,343.6 square foot parcel (Parcel C) and to transfer about 698.2 square feet from APN 080-201-37 to APN 080-201-25 resulting in a 6,253.4 square foot parcel (Parcel A) and a 5,021.4 square foot parcel (Parcel D) and to construct three mixed use commercial buildings as follows: Parcel A one building with 1,176 square feet of commercial space on the first floor and a 1,060 square foot 2-bedroom dwelling unit above; on Parcel B, a building with 1,406 square feet of commercial space with two 1-bedroom dwelling units totaling 1,348 square feet above; and on Parcel C commercial building with 1,909 square feet of commercial space and an 800 square foot garage on the first floor and about 870 square feet of commercial space and two 1-bedroom residential units on the second story and associated parking with a shared parking plan for Parcels A, B, C, and APN 080-201-46 and to grade about 800 cubic yards of earth. Requires a Commercial Development Permit, an Amendment to Commercial Development Permit 2126-U (APN 080-201-46), a Residential Development Permit, a Lot Line Adjustment and Preliminary Grading Approval.

### Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District is considering adopting policies to mitigate the impact of development on the local groundwater basins. The proposed project would be subject to these and any other conditions of service that the District may adopt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

### Requirements

The developer/applicant, without cost to the District, shall:

- 1) Destroy any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:



P.O. Box 158  
 Mail to: 5180 Soquel Drive  
 Soquel, CA 95073-0158  
 PHONE (831) 475-8500 FAX (831) 475-4291

## PROJECT COMMENT SHEET

- a) All **applicants for new water service from Soquel Creek Water District** shall be required to offset expected water use of their respective development by a **1.2 to 1 ratio** by retrofitting existing developed property within the Soquel Creek Water District service area so that **any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.**
- b) **Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;**
- c) **All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;**  
**District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;**
- 4) **Complete LAFCO annexation requirements, if applicable;**
- 5) **All units shall be individually metered with a minimum size of 5/8-inch by 3/4-inch standard domestic water meters;**

A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

### Soquel Creek Water District Project Review Comments:

1. SCWD has reviewed plans prepared by Thacher & Thompson Architects and has made comments. 1) The applicant will need to follow the *Procedures for Processing Water Service Requests for Subdivisions, Multiple Unit Developments, and Commercial Developments*; however, please be advised that additional conditions may be imposed as per the above Notice. 2) A New Water Service Application Request will need to be completed and submitted to the SCWD Board of Directors. The applicant shall be required to offset the expected water use of their respective development by a 1.4 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area. Applicants for new service shall bear those costs associated with the retrofit. Calculations for the expected water demand of this project will be generated upon request for a Will Service Letter. Final calculations are pending finalization of the project plans. 3) Water meters shall be set in the Right of Way on Porter Street and Walnut Street. New water mains shall not be installed on the private side of the property. 4) District policy requires that all units to be metered individually. 5) All interior plumbing fixtures shall be low flow and have the EPA Energy Star label. 6) District Conservation Staff has requested that Pervious Concrete be utilized throughout the parking and hardscape areas. Landscape and Irrigation plans have been reviewed and approved. 7) A Fire Protection Requirements Form will need to be completed and reviewed by the appropriate Fire District. 8) Water pressure in this area is high. A Water Waiver for Pressure &/or Flow will need to be recorded.

**SANTA CRUZ COUNTY SANITATION DISTRICT**  
**INTER-OFFICE CORRESPONDENCE**

DATE: NOVEMBER 7, 2006 (4TH ROUTING)  
TO: PLANNING DEPARTMENT: LARRY KASPAROWITZ  
FROM: SANTA CRUZ COUNTY SANITATION DISTRICT  
SUBJECT: CONDITIONS OF SERVICE FOR THE FOLLOWING  
PROPOSED DEVELOPMENT  
APN: 30-201-25, -33, -34, -37, -46 APPLICATION NO.: 05-072 1  
PARCEL ADDRESS: VACANT PARCELS/NO ADDRESS (-25 & -33), 4610  
WALNUT STREET (-34), 2601 PORTER STREET (-37), 2515 PORTER STREET  
(-46)

PROJECT DESCRIPTION: AMENDMENT TO COMMERCIAL DEVELOPMENT  
PERMIT 2126U (APN: 30-207-46); NEW COMMERCIAL DEVELOPMENT  
PERMIT; DEMOLITION OR REMOVAL OF STRUCTURE; LOT LINE  
ADJUSTMENTS TO RECONFIGURE PARCELS; CONSTRUCTION OF 4  
COMMERCIAL/RESIDENTIAL MIXED USE BUILDINGS

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This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

The plans (dated 11/16/06) are approved by District staff with the changes as follow:

\*Sheet C05a – Fig SS-10 has been revised. Latest revision date is 4-03.

\*Note on plans that Building A and C require backflow prevention devices.

\*Approval of final map shall not be granted without copy of recorded easement for sewer lateral purposes.

Any changes to the plans dated 4-03 will require additional reviews by the District.

LARRY KASPAROWITZ

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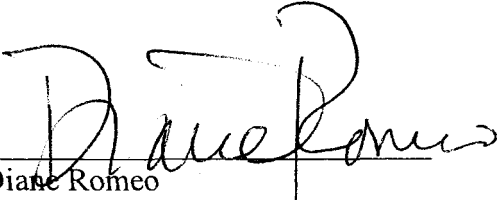
Attach an approved copy of the sewer system plan to the building permit submittal. This approved sewer plan shall be modified in the future by the owner/developer for all proposed changes made to the sewer system.

Santa Cruz County Sanitation District Environmental Compliance Division Requirements for Discretionary Permit (any question regarding the requirements listed below should be directed to Environmental compliance staff at (831) 477-3907):

If a food service facility is planned for the development, a District-approved grease interceptor will be required. All floor drains and sinks in the kitchen must be routed through the interceptor. The interceptor size must be approved by the District. Prior to the approval of plans for food service, the District must be allowed to review any proposed plans for grease interceptors.

Floor drains must be installed with screens to prevent solids from entering the sanitary sewer.

Any other industrial use of the proposed building may require other pretreatment of sanitary wastes prior to discharge. For instance, a sampling manhole may be required if any industrial facilities are planned at the site.

  
Diane Romeo  
Sanitation Engineering

DR/dr

c:	Applicant Owner:	Property Owner:	Engineer:
	Robert and Nancy Eriksen	Alan Palmer	Ifland Engineers
	PO Box 432	3941 Cherryvale Avenue	1100 Water Street, Su 2
	Capitola, CA 95010	Soquel, CA 95073	Santa Cruz, CA 95062

**C O U N T Y   O F   S A N T A   C R U Z**  
**D I S C R E T I O N A R Y   A P P L I C A T I O N   C O M M E N T S**

Project Planner: Larry Kasparowitz  
Application No. : 05-0721  
APN: 030-201-25

Date: January 19, 2007  
Time: 10:20:09  
Page: 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON NOVEMBER 21, 2005 BY JOSEPH L HANNA ===== The geotechnical engineer must review the project plans. The one area of specific concern would appear that a proposed retaining wall is attached to a foundation. The geotechnical engineer has not made recommendations for this situation. The grading should also be setback from the property line.

===== UPDATED ON NOVEMBER 21, 2005 BY JOSEPH L HANNA =====  
The project must also comply with FEMA flood control standards. The applicant's engineer must show on the plans that the project as designed can meet FEMA standards. In addition, the project will require a flood GHA; please have the applicant make application for the GHA.

===== UPDATED ON NOVEMBER 30, 2005 BY ANDREA M KOCH =====  
Show on the plans and label by number the existing trees discussed in the correspondence from the landscape architect. Indicate whether each is proposed for retention or removal. ===== UPDATED ON MAY 12, 2006 BY ANDREA M KOCH =====

1) Thank you for showing on the plans all trees proposed for retention and for removal.

===== UPDATED ON MAY 30, 2006 BY JOSEPH L HANNA =====  
The project must remain incomplete until the appropriate FEMA approval is submitted to the County. ===== UPDATED ON AUGUST 23, 2006 BY ANDREA M KOCH =====

1) The project does NOT need to meet FEMA standards and does NOT need a flood GHA (The applicant submitted a Letter of Map Amendment, or LOMA, from FEMA stating that the property has been removed from the Special Flood Hazard Area.)

**Environmental Planning Miscellaneous Comments**

The grading plan will require further review at time of the building permit application. ===== REVIEW ON NOVEMBER 21, 2005 BY JOSEPH L HANNA =====

===== UPDATED ON NOVEMBER 30, 2005 BY ANDREA M KOCH =====  
Submit a plan review letter stating that the final project plans are in conformance with the recommendations in the soils report. ===== UPDATED ON MAY 12, 2006 BY ANDREA M KOCH =====

1) All original comments still stand. No additional comments.

**Housing Completeness Comments**

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

===== REVIEW ON NOVEMBER 23, 2005 BY TOM POHLE =====

In accordance with County Code 17.10, this project has an Affordable Housing Obligation (AHO) equal to .75 of a housing unit. While the developer has not yet proposed a method of meeting the AHO, one effective way of meeting the AHO for this project would be to designate one of the five apartments as affordable, with restrictions recorded to insure the apartment continues to remain affordable.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
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APN: 030-201-25

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Page: 2

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Housing Miscellaneous Comments

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

===== REVIEW ON NOVEMBER 23, 2005 BY TOM POHLE =====  
None

Long Range Planning Completeness Comments

===== REVIEW ON NOVEMBER 16, 2005 BY STEVE D GUINEY ===== All involved properties are zoned C-2. Minimum C-2 parcel size is 10,000 square feet for lot line adjustments except where the adjustment is to cure a lawfully developed structural encroachment or where each parcel involved is lawfully developed with a structure and the lot line adjustment results in an equal exchange of land and each resulting parcel is the same size after the lot line adjustment as before. This proposal is not to cure a structural encroachment, two of the involved parcels are undeveloped, and resulting parcels are not the same size after the adjustment as before. Therefore, it appears that the proposal cannot be approved as submitted. The applicant must apply for a site area variance, although there is no guarantee that such a variance application would be approved. Additionally, the proposal involves a demolition of an existing house. Although a discretionary application is not needed for the demolition, that part of the proposal needs to be included in the project description.

===== UPDATED ON NOVEMBER 17, 2005 BY STEVE D GUINEY ===== a

===== UPDATED ON NOVEMBER 18, 2005 BY STEVE D GUINEY =====

===== UPDATED ON MAY 8, 2006 BY STEVE D GUINEY ===== Proposed lot line adjustment between Palmer parcels still does not result in two parcels both with minimum of 10,000 square feet.

===== UPDATED ON MAY 8, 2006 BY STEVE D GUINEY =====

===== UPDATED ON AUGUST 22, 2006 BY STEVE D GUINEY =====

===== UPDATED ON AUGUST 22, 2006 BY STEVE D GUINEY =====

===== UPDATED ON AUGUST 22, 2006 BY STEVE D GUINEY =====

Long Range Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 18, 2005 BY STEVE D GUINEY ===== No comment

===== UPDATED ON MAY 8, 2006 BY STEVE D GUINEY =====

NO COMMENT

===== UPDATED ON AUGUST 22, 2006 BY STEVE D GUINEY ===== As resubmitted, the proposal meets the requirements for a lot line adjustment in so far as minimum parcel size and C-2 zoning are concerned.

===== UPDATED ON AUGUST 22, 2006 BY STEVE D GUINEY =====

NO COMMENT

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
Application No. : 05-0721  
APN: 030-201-25

Date: January 19, 2007  
Time: 10:20:09  
Page: 3

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**Code Compliance Completeness Comments**

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

===== REVIEW ON NOVEMBER 17, 2005 BY AARON LANDRY =====

NO COMMENT

===== UPDATED ON NOVEMBER 17, 2005 BY AARON LANDRY =====

NO COMMENT

Not required by CC. Case closed, no further action. (AJL)

**Code Compliance Miscellaneous Comments**

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

===== REVIEW ON NOVEMBER 17, 2005 BY AARON LANDRY =====

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON NOVEMBER 22, 2005 BY ALYSON B TOM ===== Application with civil plans by Ifland Engineers dated 10/26/05 has been received. Please address the following:

1) This project is required to limit post development runoff rates to predevelopment levels for the 10 year storm. Utilizing detention to meet this requirement is only allowed if other measures are not feasible. Are facilities to retain and infiltrate added runoff due to additional impervious areas feasible on this site? If so, please incorporate retention/infiltration measures prior to detention. If not, please submit reasons of infeasibility for review. The geotechnical investigation by Rock Solid Engineering Inc. performed infiltration tests for the project site.

2) Does the proposed drainage plan follow existing drainage patterns? It is unclear if this site drains to the storm drain system in Walnut Street as proposed. Existing drainage patterns should be maintained. The applicant should attempt (and provide documentation of this attempt) to obtain easements etc. to maintain existing drainage patterns. Sufficient justification and a description and analysis of the entire diversion path demonstrating adequacy in terms of capacity and condition will be required in order to allow the proposed local diversion. The analysis should assume no detention on site and full build out of the watershed. The plans should include the replacement/upgrade of any downstream facility that is not adequate.

3) This project is required to minimize impervious surfaces. Please consider the following in order to meet this requirement: eliminate unnecessary paving, send runoff from roof areas to landscaped areas rather than hard piping directly off-site, utilize pervious surfacing or decking in place of proposed impervious surfaces, etc.

4) This project is located in the floodplain. Demonstrate that the proposed project, including building foundations and grading, will not add to flooding damage potential by displacing flood waters.

Discretionary Comments - Continued

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5) Does this site receive runoff from adjacent properties? If so, how has the project been designed to accommodate this runoff?

6) This project will be reviewed "at cost". The original \$795 review fee submitted has been converted to an at cost account.

For questions regarding this review Public Works stormwater management staff is available from 8-12 Monday through Friday. All submittals for this project should be made through the Planning Department.

===== UPDATED ON MAY 17, 2006 BY ALYSON B TOM ===== Application with preliminary drainage calculation dated April 2006 and civil plans dated 3/30/06 has been received. Please address the following:

1) Per previous comment No. 1, please confirm that the design of the detention system has taken into account the runoff that bypasses the system.

2) Previous comment No. 2 has not been addressed. Why can't existing drainage patterns be maintained. See previous comment. As previously requested, please provide a complete analysis for the entire diversion path (including the sections on Walnut Street). Use Fig. SD-2 or a similar spreadsheet. Please take the drainage area from application 05-0173 into account. Assume no detention in the analysis of the downstream system. Use expected floodwater elevations in Soquel Creek for determining downstream water surface elevations or full pipe, whichever is more conservative. Previous analyses of this system are available at Public Works.

3) Previous comment No. 3 has not been addressed. How will impacts for storms smaller than the 10 year storm be mitigated for?

4) The LOMAR for parcels 030-201-33, and 34 has been received. Please provide this documentation for the other parcels proposed for development.

5) Previous comment No. 5 has been addressed

6) The proposed storm drain and inlet proposed on Walnut Street do not meet County standards. Approval by the Operations Engineer is required.

===== UPDATED ON AUGUST 17, 2006 BY ALYSON B TOM ===== Application with drainage calculation dated 7/18/06 and civil plans dated 7/11/06 has been received. Please address the following:

1) Per previous comment No. 1, please confirm that the design of the detention system has taken into account the runoff that bypasses the system. The detention calculations provided dated 2/22/06 and drainage area calculations dated 7/18/06 are not consistent with the plans dated 7/11/06. Based on the plans dated 7/11/06 almost all of parcels C and D will drain to the easterly system and bypass the detention system. The detention system should be sized so that the total runoff from the 4 parcels is limited to predevelopment 10 year flows. The allowable release rate from the detention system needs to account for runoff from parcels C and D that bypass that system. The storm drainage calculations on sheet C-02 need to be amended to account for the entire project area, all four parcels. Given the non-standard proposed system, the standard detention spreadsheet provided in the CDC (SWM-17) is not applicable. Please provide analysis that is consistent with the actual proposal.



Discretionary Comments - Continued

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Include a map showing boundaries of both regulated impervious areas and actual drainage areas routed to the hydraulic control structure of the detention facility, clearly distinguishing between the two areas, and noting the square footage as required in the CDC.

2) Previous comment No. 2 has not been addressed. Use Fig. SWM6 or a similar spreadsheet. Only single culvert calculations were included in the 7/18/06 submittal. A full system analysis is required as previously requested. Assume no detention in the analysis of the downstream system. Use expected floodwater elevations in Soquel Creek for determining downstream water surface elevations or full pipe, whichever is more conservative. Provide analysis for design (10 year) and safe overflow (25 storms). Evaluation should include water surface impacts on the system upstream of the proposed tie-in. Previous analyses of this system have been provided to the project Engineer. A similar analysis accounting for the proposed project should be provided. This offsite analysis needs to be signed and stamped by the civil engineer.

3) Provide confirmation from the project geotechnical engineer that the proposed retention system as described on sheet CO-2 note 25 in the shared driveway area is feasible and will not cause any adverse impacts on subject or adjacent properties.

All submittals for this project should be made through the Planning Department.  
===== UPDATED ON DECEMBER 8, 2006 BY ALYSON B TOM ===== Application with plans dated 10/16/06 and letter dated 11/7/06 has been received. The application is complete with regards to stormwater management for the discretionary stage. Please see miscellaneous comments for issues to be addressed in the building application.

**Dpw Drainage Miscellaneous Comments**

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

===== REVIEW ON NOVEMBER 23, 2005 BY ALYSON B TOM ===== The following items should be addressed prior to building permit issuance.

- 1) Submit detailed plans and supporting calculations demonstrating that the on-site storm water system meets design criteria requirements (capacity, safe overflow, freeboard, velocity, etc.).
- 2) Please provide additional details or notes for the proposed swales in the individual lots. The details should include minimum width and depth requirements.
- 3) Please show drainage easements for all common drainage facilities
- 4) Please submit a review letter from the Geotechnical engineer approving of the final drainage plan. The letter should refer to dated plans.
- 5) Zone 5 fees will be assessed on the net increase in impervious area proposed with this project. For fee and impact credit for the existing impervious areas please provide documentation that these areas are permitted as impervious.
- 6) Please provide permanent markings at each inlet that read: "NO DUMPING - DRAINS TO BAY", or equivalent. The property owner is responsible for maintaining these

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markings.

7) This project will be inspected by public works staff. Once all other reviewing agencies have approved the building permit plans submit a reproducible copy of the civil plan sheets (with the Zone 5 signature block on the title sheet) for review and signature by Public Works. Provide an engineers estimate for the drainage related items and submit a 2% deposit (\$540 minimum, subject to change) for inspection fees.

8) Provide a copy of a recorded maintenance agreement(s) for all proposed structural treatment and detention facilities.

Additional details may be required at the building permit stage.

\*\*\*\*\* UPDATED ON MAY 17, 2006 BY ALYSON B TOM \*\*\*\*\* Please address the following in addition previous miscellaneous comments prior to building permit issuance.

1) Analysis of the existing valley gutter and pipe system should be included with the complete on site analysis prior to building permit submittal.

2) The proposed detention system and several water quality treatment units are proposed on adjacent properties. Recorded maintenance agreements will be required identifying entities responsible for maintenance of these facilities.

3) The proposed detention system and Zone 5 fees will be based on the net increase in permitted impervious area. Please provide documentation demonstrating that the existing impervious area is permitted or was installed prior to 1969.

\*\*\*\*\* UPDATED ON AUGUST 17, 2006 BY ALYSON B TOM \*\*\*\*\* Please address the following in addition previous miscellaneous comments prior to building permit issuance.

1) The proposed storm drain and inlet proposed on Walnut Street should be a GO inlet.

2) Provide a drainage easement on parcel D for the common drainage facilities.

3) Provide analysis and design for the proposed retention facilities to handle the post development 2 year storms. This should be designed for impacts from proposed impervious areas on all 4 parcels, or mitigations for parcels C and D should be provided separately.

4) Provide recorded drainage easement for the proposed detention system clearly identifying who is responsible for maintenance, if necessary, the easement may need to be recorded against the subject parcel(s) as well as the adjacent parcel where the detention system is proposed.

5) Provide cleanouts at the upstream ends of the proposed detention/retention pipes.

6) Include measures to minimize the future clogging and maintenance of the proposed detention/retention system.

\*\*\*\*\* UPDATED ON DECEMBER 8, 2006 BY ALYSON B TOM \*\*\*\*\* Please address the

## Discretionary Comments - Continued

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following at the building permit application stage:

- 1) Submit a final Drainage Study that reflects the final site plan and the following comments. The calculations for the detention system should assume a predevelopment time of concentration of 15 minutes per the County Design Criteria. Please review system analysis to determine ~~if~~ portions of area 11 were double counted with areas E, F, G, and H. The topographic information indicates that much of area B2 drains directly to the road. Confirm whether or not this is the case and update both the detention and system calculations accordingly. The final study should include all relevant analysis submitted for the project.
- 2) Provide updated plans that include mitigations for impacts from small storms. Update note 25 on sheet C.02 accordingly. Include maintenance requirements for the proposed mitigation facilities on the project plans. Given the site constraints described, mitigations should be maximized, so all alternatives suggested in the November 7, 2006 letter by Ifland Engineers should be considered for inclusion in the final site proposal.
- 3) Can the detention pipe be dropped so that ~~it~~ will begin to ~~fill~~ at the same time or before the 12" pipe fills?
- 4) How has potential clogging and maintenance of the proposed detention system been minimized in the project design? Provide a cleanout at the upstream end of the detention pipe.
- 5) Provide a County standard catch basin at the curb face for access to the proposed 12" storm drain in Porter Street.
- 6) Provide water quality treatment at the last inlet so that all proposed driveway and parking area runoff is treated prior to discharge from the site.
- 7) Include a note for signage stating "No Dumping Drains to Bay - No Tire Desecho al Mar" adjacent to all proposed catch basins, both on and off-site.
- 8) Submit recorded maintenance agreement/s for the proposed detention and water quality treatment systems. If fossil filters or other proprietary treatment is proposed, include the manufacturers- maintenance requirements on both the project plans and in the recorded maintenance agreement. The easement for the proposed detention system on adjacent property should clearly identifying who is responsible for maintenance, if necessary, the easement may need to be recorded against the subject parcel(s) as well as the adjacent parcel where the detention system is proposed.
- 9) Please submit a review letter from the Geotechnical engineer approving of the final drainage plan. The letter should refer to dated plans.
- 10) Zone 5 fees will be assessed on the net increase in permitted impervious due to this project. Please provide documentation demonstrating that the existing impervious area is permitted or was installed prior to 1969.
- 11) This project will be inspected by Public Works staff for construction of

Discretionary Comments - Continued

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drainage infrastructure. Once all other reviewing agencies have approved the plans submit a copy of reproducible civil plans with a DPW signature block along with an engineer's estimate for the construction of the drainage related items. Allow approximately 1 week for routing for signature through DPW.

Dpw Road Engineering Completeness Comments

----- REVIEW ON NOVEMBER 29, 2005 BY GREG J MARTIN -----

The placement of a garage within a parking lot is not recommended. Garage spaces would require a minimum of ten feet sight distance to the parking aisle. A carport is acceptable with the current layout provided there is no sight distance obstructions.

The residential parking should be separated from the commercial parking.

The parcel with Building No.1 has a strip extending to Walnut Street. It is our understanding this strip is to serve parking for an existing residence (030-201-34) fronting Walnut Street. We do not recommend this layout as it creates an oddly shaped parcel (030-201-33) and ties two parcels together in an unwieldy manner. The residence is non-permanent as it lies on a commercially zoned parcel, so new or revised lot lines should not accommodate the residential use. Whenever possible, parcels should be separate distinct units with no ties to neighboring parcels. Distinct parcels with no ties are more readily used and sold which is in the best interest of the property owner and prospective owners.

If you have any questions please call Greg Martin at 831-454-2811. ----- UPDATED ON MAY 19, 2006 BY GREG J MARTIN -----

The placement of a garage within a parking lot is not recommended. Garage spaces would require a minimum of ten feet sight distance to the parking aisle. A carport is acceptable with the current layout provided there is no sight distance obstructions.

The residential parking should be separated from the commercial parking.

Parcel C is proposed as a flag lot with property access from Walnut Street. It is our understanding the -flag pole- is to serve parking for an existing residence (030-201-34) fronting Walnut Street. Access to proposed buildings on Parcel C is only through an easement over Parcel A and B. We do not recommend this parcel layout as it unnecessarily requires an easement on Parcel C for parking and circulation for buildings on Parcel D. The flag portion of Parcel C is solely for use by Parcel D under the proposed and future Phase II development therefore it should be a part of Parcel D.

Access to proposed buildings on Parcel C is only through an easement over Parcel A and B. This easement should allow for a 20 foot wide access driveway unimpeded by curbs. This requires the easement be adjusted at the westerly end of the parking aisle.

If you have any questions please call Greg Martin at 831-454-2811. ----- UPDATED ON AUGUST 22, 2006 BY GREG J MARTIN -----

The placement of a garage within a parking lot is not recommended. Garage spaces

Discretionary Comments - Continued

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would require a minimum of ten feet sight distance to the parking aisle. A carport is acceptable with the current layout provided there is no sight distance obstructions.

The residential parking should be separated from the commercial parking.

Parcel D is proposed with a portion of the property serving as a parking lot for one of the other properties. We do not recommend this parcel layout as it unnecessarily requires an easement on Parcel D for parking and circulation for buildings on Parcel C.

Access to proposed buildings on Parcel C is only through an easement over Parcel A and B. This easement should allow for a 20 foot wide access driveway unimpeded by curbs. This requires the easement be adjusted at the westerly end of the parking aisle.

If you have any questions please call Greg Martin at 831-454-2811.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON NOVEMBER 29, 2005 BY GREG J MARTIN =====  
===== UPDATED ON MAY 19, 2006 BY GREG J MARTIN =====  
===== UPDATED ON AUGUST 22, 2006 BY GREG J MARTIN =====

MEMO :

**Application No: 05-0721 (third routing)**

Date: August 2, 2006

To: Cathleen Carr, Project Planner

From: Lawrence Kasparowitz Urban Designer

Re: Design Review for a three mixed use, commercial/residential buildings at Porter and Walnut Street, Soquel

**GENERAL PLAN / ZONING CODE ISSUES**

**Design Review Authority**

**13.1 L040** Projects requiring design review.

(e) All commercial remodels or new commercial construction.

**Design Review Standards**

**13.11.072 Site design.**

Evaluation Criteria	Meets criteria in code( ✓ )	Does not meet criteria( ✓ )	Urban Designer's Evaluation
	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship	✓		
Street design and transit facilities			N/A
Relationship to existing structures	✓		
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A

<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles			NIA
<b>Solar Design and Access</b>			
Reasonable protectionfor adjacent properties	✓		
Reasonable protectionfor currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protectionfor 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			N/A
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
<b>Scale</b>			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting.	✓		
<b>Solar Design</b>			
Building design provides solar access that is reasonably protected for adjacent properties...	✓		

Building walls and major window areas are oriented for passive solar and natural lighting.		✓	
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<b>Lighting</b>			
All site, building, security and landscape lighting shall be directed onto the site and away from adjacent properties.			<i>Suggest as Condition of Approval</i>
Area lighting shall be high-pressure sodium vapor, metal halide, fluorescent, or equivalent energy-efficient fixtures.			<i>Suggest as Condition of Approval</i>
All lighted parking and circulation areas shall utilize low-rise light standards or light fixtures attached to the building. Light standards to a maximum height of 15 feet are allowed.			<i>Suggest as Condition of Approval</i>
Building and security lighting shall be integrated into the building design.			<i>Suggest as Condition of Approval</i>
Light sources shall not be visible from adjacent properties.			<i>Suggest as Condition of Approval</i>
A minimum of one tree for each five parking spaces should be planted along each single or double row of parking spaces.	✓		
A minimum of one tree for each five parking spaces shall be planted along rows of parking.	✓		
<del>Trees</del> shall be dispersed throughout the parking lot to maximize shade and visual relief.	✓		



At least twenty-five percent (25%) of the trees required for parking lot screening shall be 24-inch box size when planted; all other trees shall be 15 gallon size or larger when planted.	✓		
<b>Parking Lot Design</b>			
Driveways between commercial or industrial parcels shall be shared where appropriate.	✓		
Avoid locating walls and fences where they block driver sight lines when entering or exiting the site.	✓		
Minimize the number of curb cuts			N/A
Driveways shall be coordinated with existing or planned median openings.			N/A
Entry drives on commercial or industrial projects greater than 10,000 square feet should include a 5-foot minimum net landscaped median to separate incoming and out going traffic, where appropriate.			N/A
Service Vehicles/Loading Space. Loading space shall be provided as required for commercial and industrial uses.	✓		
Where an interior driveway or parking area parallels the side or rear property line, a minimum 5-foot wide net landscape strip shall be provided between the driveway and the property line.	✓		
Parking areas shall be screened from public streets using landscaping, berms, fences, walls, buildings, and other means, where appropriate.	✓		
Bicycle parking spaces shall be provided as required. They shall be appropriately located in relation to the major activity area.	✓		
Reduce the visual impact and scale of interior driveways, parking and paving.	✓		
<b>Parking Lot Landscaping</b>			
It shall be an objective of landscaping to accent the importance of driveways from the street, frame the major circulation aisles, emphasize pedestrian pathways, and provide	✓		
Parking lot landscaping shall be designed to visually screen parking from public streets and adjacent uses.	3		
Parking lots shall be landscaped with large canopy trees.	✓		

A landscape strip shall be provided at the end of each parking aisle.	✓		
A minimum 5-foot wide landscape strip (to provide necessary vehicular back-out movements) shall be provided at dead-end aisles.			N/A
Parking areas shall be landscaped with large canopy trees to sufficiently reduce glare and radiant heat from the asphalt and to provide visual relief from large stretches of pavement.	✓		
Variation in pavement width, the use of texture and color variation is paving materials, such as stamped concrete, stone, brick, pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize the visual impact of large expanses of pavement.			N/A
As appropriate to the site use, required landscaped areas next to parking spaces or driveways shall be protected by a minimum six-inch high curb or wheel stop, such as concrete, masonry, railroad ties, or other durable materials.	✓		
<b>Pedestrian Travel Paths</b>			
On-site pedestrian pathways shall be provided from street, sidewalk and parking areas to the central use area. These areas should be delineated from the parking areas by walkways, landscaping, changes in paving materials, narrowing of roadways, or other design techniques.			N/A
Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features to achieve access for the physically disabled.	✓		
Separations between bicycle and pedestrian circulation routes shall be utilized where appropriate.			N/A

**IRBA DESIGNERS**

- The proposed line b Parcels A and B makes no sense on the ground. When one line is sold – how is utility and maintenance allocated when parking crosses over the line?

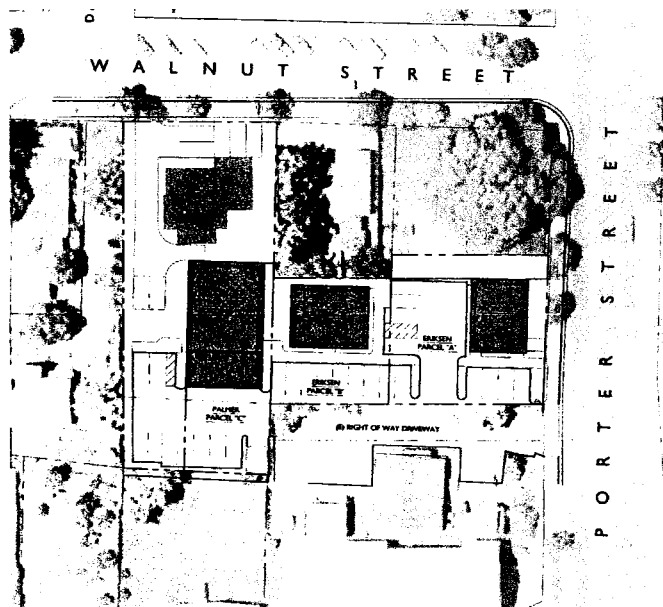
# YOU ARE INVITED TO A NEIGHBORHOOD MEETING



Bob Eriksen and Alan Palmer are presenting our plans for the vacant lot at 260 I Porter Street in Soquel.

Working with Santa Cruz Architects, Thacher and Thompson, we have developed plans for a small office and residential use project that we believe will contribute to the character of Soquel Village.

- Designed to fit on three small parcels are three proposed buildings. Building A has 1,175 square feet of office and one 2 bedroom apartment, building B has 1,406 square feet of office space and two 1 bedroom apartments and building C has 1,909 square feet of office space with a 2 bedroom apartment and a 1 bedroom apartment.
- The proposed buildings all have two-story craftsman architecture, with office spaces on the first floor and apartments above.
- Landscaping designed by Ellen Cooper that increases the number of trees, provides a shade canopy over the parking areas and utilizes planting spaces located to create a visual buffer as viewed from the street.



REPORT ON THE RESULTS OF THE NEIGHBORHOOD MEETING  
FOR APPLICATION 05-0721  
BY OWNERS: ALAN PALMER AND ROBERT ERIKSEN

Thursday, November **09,2006**

1a. **Meeting notification materials** – **An** invitation to a neighborhood meeting to discuss the application was mailed out. **A** copy of the two-page color invitation is included with this report.

1b. **Mailing list** - A mailing list of more then 100 addresses was obtained from the Santa Cruz County Geographic Information Services by contacting [matt.price@co.santa-cruz.ca.us](mailto:matt.price@co.santa-cruz.ca.us). A copy **of** the mailing list is included with this report. In addition to addresses on the mailing list, invitations were mailed to Tom Burns, Planning Director and Supervisor Jan Beautz.

1c. **Date and Time** - The meeting was held on October 21 at 9:00 am on Porter Street at the site.

1d. **Attendance** - About 15 people attended the meeting including Supervisor Jan Beautz. People were given and opportunity to sign an attendance list. Three people signed the list. A copy **of** the list is included with this report.

1e. **Notification materials** - The items used as part of the meeting notification and the meeting itself are included with this report. They include: The meeting invitation, the mailing list, the attendance list, and a copy of the site plan fi-om the application.

2. **Concerns, issues and problems raised by neighbors during the meeting** - Neighbors expressed concerns about traffic, trees, grading, drainage, architectural design, 2<sup>nd</sup> story window height and open space.

3. **Describe how you have addressed or intend to address the concerns, issues and problems raised by neighbors.**

The Santa Cruz County Neighborhood meeting ordinance appears to have been intended for projects at early concept stage. The County brochure provided to the applicants states ***“The neighborhood meeting can be held at any time before application submittal, but not before your Development Review Group meeting.”*** Our project application had been submitted and had gone through several revisions as a result of the various comments fi-om the Planning Department prior to the enactment of this ordinance. As a consequence many of the neighborhood concerns had already been addressed with design changes prior to our neighborhood meeting. Here is how we have addressed the issues.

**Traffic** - Our original design had called for maintaining the three access driveways onto Porter Street that are currently in place. As a result of discussions and comments from the Planning Department, Bob Eriksen and Alan Palmer combined two separate projects and completely re-designed the site plan resulting in a reduction of the driveways from three to **two**. Our project fi-onts on Porter Street and is within **300** feet of bus stop enabling residents to reduce their automobile use if desired.

**Trees** – We hired an arborist to list, identify, describe and locate the existing trees. Our landscape architect has created a plan that will provide more trees and tree canopy than currently exists. After **our** original plan submittal, in response to comments from the planning staff, we increased the number of trees and the size of the tree plantings on **our** current plans.

**Grading and drainage** - One neighbor was concerned that fill dirt may slide onto his parcel and expressed concern that we would divert storm water onto his parcel. The design **our** civil engineers have submitted uses a low retaining wall to create positive drainage away fi-om the neighbors property. The outcome will be an improvement over current conditions. All drainage fi-om the applicant's project will now be conducted to the County's storm drain system with improvements in quality and management of volume.

**Architectural design** – One neighbor commented that our “Craftsman” design was not in keeping with surrounding structures. This person felt we should have a stucco design similar to the elementary school. **Our** design is consistent with the Porter Street guidelines found within the Soquel Village Plan. The proposed new buildings are stucco on the first floor with horizontal siding on the second floor. This palette of materials reflects the character of the Soquel Village historic neighborhood. The Spanish Eclectic style of the school is certainly pleasant. However, the surrounding neighborhood has a very wide variety of vernacular styles with a mix of stucco and horizontal siding. In this context, the proposed buildings reflect the character of the neighborhood better than a by-the-book Spanish style building would.

**Second Story windows** – **Our** buildings are **two** story structures and conform **to** the building height standards for the zone district. The surrounding buildings in the immediate area, both residential and commercial, are **two** stories tall and have second story windows. The closest adjacent residence is over **60** feet away. There are no privacy issues.

**Open Space** – One neighbor expressed concern that there were not enough parks and open spaces in the area. There is a park behind the elementary school that is across the street and about 1,000 feet **from our** project. Our design meets the open space requirements for residential zoning units. If this were not a mixed use project and solely a commercial project, there would be no open space requirement at all. **As** a result, we are providing more **open** space then would be found in a conventional commercial development.

**4. Describe all concerns, issues and problems that cannot be addressed, including irresolvable conflicts.**

1. 1. Some of the neighbors expressed that they wanted all existing trees saved. They said that they do not care about new tree plantings and that new plantings do not mitigate the trees to be removed. We have consulted an arborist regarding the existing trees and our landscape architect has provided a planting plan that will not only mitigate the loss of existing trees but will enhance the neighborhood with a huge investments in new plantings. The result will be a healthier, more attractive urban forest for the future.
2. 2. One person suggested that we should not build anything on the parcels and that it would be better if left undeveloped. However, such an 'open-space use' would be inconsistent with the land use requirements of the General Plan and the Zoning Ordinance. Further, the small business locations and apartments included in this project are very important to the community's goals of supporting local businesses and work-force housing. As a community we can't decry the invasion of big-box stores and monster houses for the rich and at the same time not provide encouragement to projects like this one that support local businesses and residents.

Alan Palmer and Bob Eriksen  
4610 Walnut Street and 2601 Porter Street  
Soquel, Ca.

October 17, 2005  
Revised April 12, 2006

On October 17, 2005 I made a site visit to look at the trees located on the properties listed above. The trees are described below and are indicated on the attached site plan.

Tree #1 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. The DBH (diameter at breast height, 48" above grade) is 58. There are 3 trunks originating at 55" above grade. The canopy is crowded on the southern side by Tree #2. The foliage is in good condition.

Tree #2 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. There are 3 trunks originating at 26" above grade. The DBH's of the trunks are 9", 11" and 12". The canopy is crowded on two sides by Tree #1 and Tree #3. There are pockets of rot evident where branches have been removed. The foliage is in good condition.

Tree #3 is a *Ligustrum lucidum* (Glossy Privet). It is approximately 50' tall with an average crown spread of 20'. There are 3 trunks originating at 30" above grade. The DBH's of the trunks are 9", 12" and 12". The canopy is crowded on the southern side by Tree #2. There are pockets of rot evident where branches have been removed. The foliage is in good condition.

Tree #4 is a *Lycianthus rantonnei* (Paraguay Nightshade). It is approximately 15' tall with an average crown spread of 15'. The DBH is 5". The trunk is bent and misshapen. The tree appears healthy and the foliage is in good condition.

Tree #5 is a *Prunus cerasifera* (Purple Plum). It is approximately 12' tall with an average crown spread of 8'. The DBH is 3". The tree appears healthy and the foliage is in fair condition.

Tree #6 is a *Betula pendula* (European White Birch). It is approximately 13' tall with an average crown spread of 9'. It has 2 trunks with DBH's of 3" and 5". The tree appears healthy and the foliage is in fair condition.

EXHIBIT 1

Tree #7 is a *Schinus molle* (California Pepper). It is approximately 23' tall with an average crown spread of 15'. The DBH is 11". The trunk leans at 10 degrees from vertical towards the south. The tree appears healthy and the foliage is in excellent condition.

Tree #8 is a *Myoporum laetum* (Myoporum). It is approximately 15' tall with an average crown spread of 12'. The DBH is 8'. The tree appears healthy and the foliage is in excellent condition.

Tree #9 is a *Abies* species (Fir). It is approximately 35' tall with an average crown spread of 20'. The DBH is 15'. The trunk splits into 2 parallel leaders at 7'. The tree leans towards the northeast at 15 degrees from vertical. The foliage is in good condition. The tree will need to be **removed** to accommodate the parking lot as drawn. Removal of the tree will benefit the large mayten tree, Tree #10, immediately adjacent to the trunk of the fir.

Tree #10 is a *Maytenus boaria* (Mayten Tree). The tree is located on the southern property line. It is approximately 35' tall with an average crown spread of 25'. Two of the trunks lean significantly on to the neighboring property to the south. The tree is very large for this species, indicating it is a mature specimen. The foliage is in good condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #11 is a *Pinus radiata* (Monterey Pine). The tree is approximately 15' tall with an average crown spread of 20'. The DBH is 7". The tree appears healthy and the foliage is in good condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #12 is a *Celtis occidentalis* (Hackberry). It is approximately 35' tall with an average crown spread of 35'. The DBH is 13". The trunk splits into 2 parallel leaders at 6'. The tree appears to be in good health and the foliage is in fair condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #13 is a *Celtis occidentalis* (Hackberry). It is approximately 40' tall with an average crown spread of 45'. There are 6 trunks with DBH's of 12" to 17". Two trunks have splits in them where wood has been ripped away or given way. One of these trunks is bent significantly towards the ground. The foliage is in fair condition. This tree will need to be **removed** in order to construct the parking lot as shown on the plans.

Tree #14 is a *Juglans regia* (English Walnut) grafted on *Juglans hindsii* (California Black Walnut) root stock. The tree is approximately 40' tall with an average crown spread of 25'. The DBH is 28". The trunk is misshapen and leans west at 30 degrees from vertical. The foliage is in g excellent condition. This tree will need to be **removed**

EXHIBIT L 1



in order to construct the project as shown on the plans.

Tree #15 is a *Betula pendula* (European White Birch). It is approximately 35' tall with an average crown spread of 17'. The DBH is 13". The canopy is very sparse and the foliage is in fair condition. This tree will need to be **removed** in order to construct the project as shown on the plans.

The trees to remain are located along the existing driveway off of Walnut Street. These trees should be fenced at the edge of the driveway with 6' chain link fencing, prior to the commencement of any grading or construction activities, in order to protect the trees from compaction, dumping or storage of materials around there root zones.

Thank you.



Ellen Cooper  
Arborist I.S.A W.C. #0848

# ellen cooper & associates

landscape architects

Alan Palmer and **Bob** Eriksen  
4610 Walnut Street and 2601 Porter Street  
Soquel, Ca.

October 17, 2005  
April 12, 2006

Following is an analysis of the tree canopy coverage for the trees to be removed from the properties listed above, as a consequence of the proposed development (See the Arborist Report); compared to the trees proposed for planting according to the landscape plan.

## Square Footage of Tree Canopies to be Removed

$3.14 \times r^2$ (r=radius of hypothetical canopy)	x	portion of actual canopy (some canopy missing due to crowding by other trees)
Tree #9 Abies species (Fir Tree)		157 square feet
Tree #10 Maytenus boaria (Mayten Tree)		255 square feet
Tree #11 Pinus radiata (Monterey Pine)		314 square feet
Tree #12 Celtis occidentalis (Hackberry)		641 square feet
Tree #13 Celtis occidentalis (Hackberry)		1059 square feet
Tree #14 Juglans regia (English Walnut)		490 square feet
Tree #15 Betula pendula (Birch)		226 square feet

Total tree canopy to be removed: **3142 square feet**

## Square Footage of Proposed Tree Canopies (at 4 years)

### **2601 Porter Street:**

2 Pistacia chinensis (Chinese Pistache)	2 x 250 square feet = 500 square feet
2 Cercis 'Forest Pansey' (Red-leafed Redbud)	2 x 78.5 square feet = 157 square feet
2 Tristania conferta (Brisbane Box)	2 x 125 square feet = 250 square feet
2 Nerium oleander 'Sister Agnes' (Oleander)	2 x 50 square feet = 100 square feet

### **4610 Walnut Street:**

3 Pistacia chinensis (Chinese Pistache)	3 x 250 square feet = 750 square feet
3 Cercis 'Forest Pansey' (Red-leafed Redbud)	3 x 78.5 square feet = 235.5 square feet
1 Podocarpus macrophyllus (Podocarpus)	1 x 78.5 square feet = 78.5 square feet
2 Koelreuteria paniculata (Goldenrain Tree)	2 x 176 square feet = 352 square feet
4 Nerium oleander 'Sister Agnes' (Oleander)	4 x 50 square feet = 200 square feet
2 Platanus 'Yarwood' (London Plane Tree)	2 x 325 square feet = 650 square feet

Total proposed tree canopy (at 5 years): **3449 square feet**

**EXHIBIT L**

April 19, 2006

Alan Palmer  
3941 Cherryvale Avenue  
Soquel, CA 95073060

RE: Eriksen & Palmer – Porter Street Project Parking

Dear Mr. Palmer:

I have prepared a shared parking analysis for the Eriksen & Palmer proposed mixed use development on Porter Street in Soquel Village an unincorporated area of the County of Santa Cruz. This analysis is based on methodology described in "Shared Parking" developed by the Urban Land Institute. The information included in that report has been updated with more recent peak generation rates identified in "Parking Generation Third Edition" prepared by the Institute of Transportation Engineers.

The Urban Land Institute and Institute of Transportation Engineers peak parking demand and hourly parking demand percentages were used to estimate the hourly parking demand for the combination of uses proposed for the site. It should be noted that the County parking requirement for office use is high compared to anticipated peak parking generation rates identified by the Institute of Transportation Engineers (ITE) for office uses. The average peak parking generation rate empirically developed by ITE is 2.84 spaces per 1000 square feet gross floor area (Land Use 701 Suburban) versus the County requirement of 5 spaces per 1000 square feet of gross leaseable area. The County's parking requirement for residential uses was used because it is more consistent with local vacancy and occupancy rates which affect the parking demand. Using these rates the parking demand for the individual uses may be calculated as follows:

- **Commercial** - 4,917 square feet gross floor area X 2.84 spaces/1000 sq. ft. = 14 spaces
- **Residential** - 4 one-bedroom units @ 2 spaces per unit and 1 two-bedroom unit @ 2.5 spaces per unit plus 20% guest parking = 13 spaces
- **Total: Commercial and Residential Uses = 27 spaces**

These individual parking demands were used in the shared parking analysis to estimate the peak parking demand for the mixed use project. The garage parking has been factored out from the shared parking calculation because it is not available for sharing. I've attached the spreadsheet for the analysis as well two charts depicting the hourly parking demand for weekdays and for Saturday. Based on this calculation the maximum parking demand will be for 25 spaces at about mid-afternoon on Saturdays. The parking demand peaks on weekdays at 23 spaces for several hours beginning at midday. This analysis indicates that you will have a reserve capacity of five spaces. I understand that

the project proposes to provide **30** new parking spaces on site. This will provide a significant cushion (16%) for unexpected demands.

The following are my responses to preliminary comments made on the project.

**Comment:** Residential and commercial parking areas should be separated. **Response:** One of the concepts of a mixed use development is to take advantage of the opportunity to share in the parking made available and thus reduce the need for excessive parking pavement. Parking access for residential and commercial uses will not pose safety issues in small developments. Separating residential and commercial parking spaces in a small development eliminates the potential benefits of shared parking.

**Comment:** Parking areas adjacent to building #3 appear to lack room to maneuver. **Response:** Both parking areas adjacent to building #3 as depicted by the composite plan submittal meet the County design standards as reflected in Section 13.11.074 "Access, circulation and parking" of the County Code.

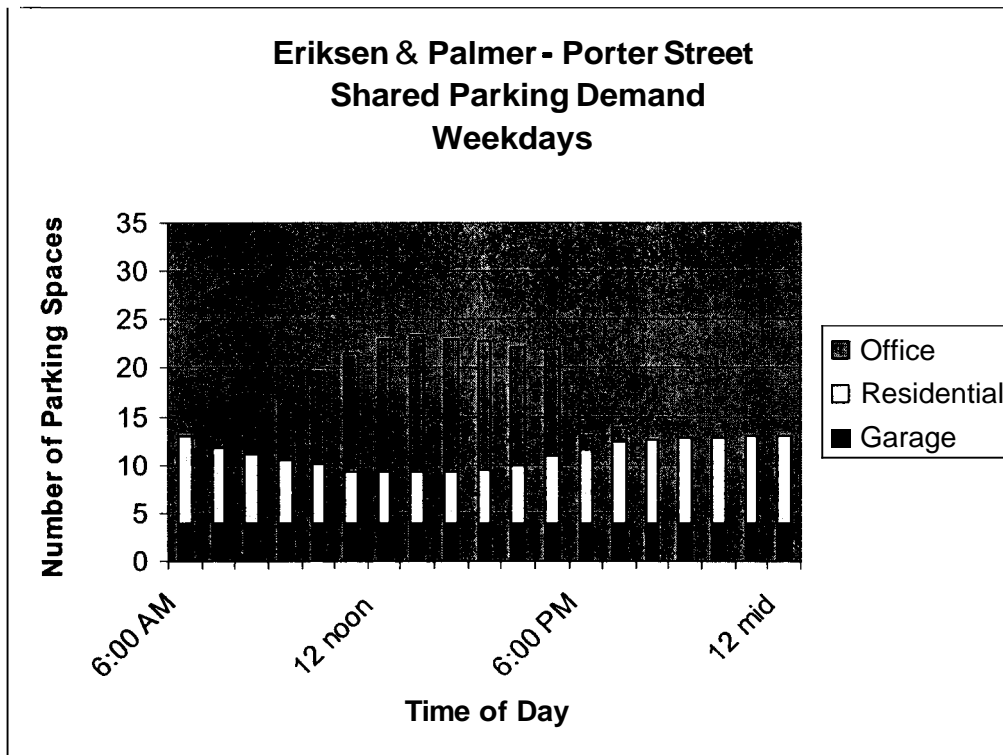
**Comment:** The proposed parking garage access and egress may conflict with circulation in the parking area. **Response:** The proposed parking garages do not pose potential safety concerns. Speeds in the parking circulation area will be relatively slow. The parking area is too small to allow speeds to build up. If ~~this~~ remains a concern the curb face adjacent to the garages could be extended by six feet to direct the parking circulation away from the face of the garages. This will further reduce speed within the parking area and increase the margin of safety.

Let me know if you have any questions.

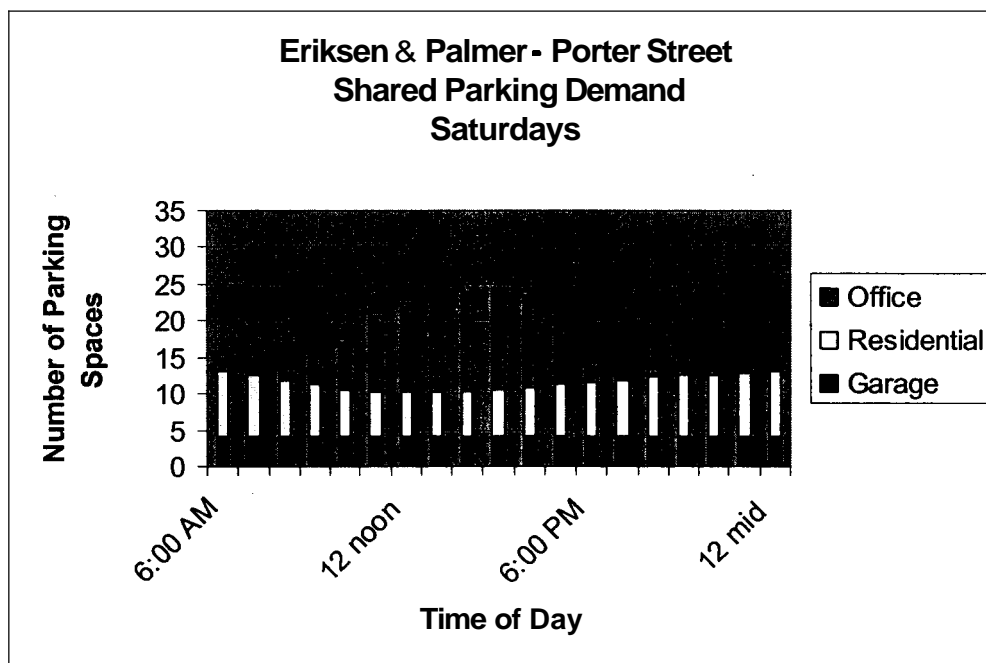
Sincerely,

*Ron Marquez*

Ron Marquez, P.E.



*Maximum parking demand 23 spaces 12 to 3 pm.*



*Maximum parking demand 25 spaces 3 pm.*

November 7, 2006

#05098

Larry Kasparowitz, Project Planner  
County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

RE:       **Application #05-0721**  
          **Stormwater Management**

Dear Larry:

As requested by Alyson Tom, DPW Stormwater Management, we are providing the following explanation of the concept for the drainage system proposed for the subject project. In addition, we will provide preliminary alternatives to the system design that may be considered during final project design. These alternatives may be deemed by DPW as being more desirable than the system proposed in the application, however, such a determination may require additional analysis. It is our belief that the system proposed will provide the mitigation being sought, however, we acknowledge that alternatives exist that may be more acceptable to the reviewer.

This letter will not re-state the findings of the preliminary drainage report previously submitted. Nor is it intended to be a technical memorandum filled with calculations. Instead, it will explain our approach to the design, the constraints we have to contend with, and how we arrived at the proposed solution.

The proposed detention system and controlled release is based upon the design storm specified in the County Design Criteria (CDC), a 10-year storm having a 15-minute time of concentration. The controlled release will discharge runoff from the site at a rate that will not exceed the pre-development rate for the design storm. However, Ms. Tom is seeking mitigation of runoff rates for smaller storm events, runoff that would not be restricted by the size of the release structure. Generally, this type of mitigation is provided by such things as discharging runoff to vegetated swales, providing pervious pavements, and groundwater recharge.

As acknowledged by both you and Ms. Tom, landscaped area on the proposed site is constrained, making the use of vegetated swales impractical. Pervious surfacing for the parking lot was explored, but deemed infeasible by the soils engineer based upon low percolation rates (see letter in project file previously submitted) and proximity of parking areas to structures. The remaining option is to attempt to recharge at least some of the runoff, despite the low percolation rates, and to do so at a location that is acceptable to the soils engineer. The preliminary drainage plan submitted provides for this.

Runoff from the site will pass through a 3'x4' catch basin having a controlled release mechanism located immediately downstream of the detention system. This catch basin will have a modified, open bottom so that runoff entering the basin will be allowed to percolate through a drain rock filled pit into

EXHIBIT N

the native soil. This percolation will reduce the runoff leaving the site and entering the public system in Porter Street as well as provide water quality mitigation in conjunction with the "fossil filters" proposed for various *on-site* catch basins throughout the parking areas. In the event that runoff backs up within the catch basin due to increased flow and/or saturated soils beneath the basin, the control mechanism will maintain pre-development discharge rates per the CDC.

One alternative to this design is that a second catch basin could be provided that would separate the controlled release from the percolation. Runoff would first pass through an open bottom catch basin, then into the second catch basin providing the controlled release. A second alternative could be to provide percolation via a perforated pipe(s) in conjunction with, or in lieu of, the rock pit under the catch basin. Recharge of runoff would be limited to the southerly portion of the site, farthest away from structures on the site and adjacent properties per discussions with the soils engineer. This is consistent with the location currently proposed on the preliminary plans.

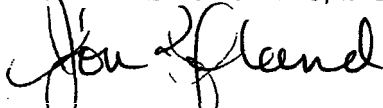
It should be noted also that the plans recently submitted contain a discrepancy that was not caught at the time of production. We'd like to take this opportunity to provide the following clarification:

- Sheet C-2, Note #25 mentions two (2) perforated 24" pipes that were eliminated in the last submittal. Instead, percolation will be provided as described above.
- The detail for the modified catch basin shows a solid concrete bottom above a rock-filled pit. As described above, the bottom of the catch basin will be open to the drain rock on which it is founded.
- The detail for the modified catch basin contains a reference to County Fig. SWM-12. It should reference Fig. SWM-11.

We trust this information is sufficient for your needs. If you have any questions or need additional information, please contact us at your convenience.

Sincerely,

IFLAND ENGINEERS, INC.



Jon Ifland, Project Manager

JPI/s

## **ADDITIONS TO THE STAFF REPORT FOR THE PLANNING COMMISSION**

### **ITEM 9: 05-0721**

### **LATE CORRESPONDENCE**



## Lawrence Kasparowitz

---

From: Deborah Ryman [debryman@sbcglobal.net]  
Sent: Monday, February 12, 2007 4:31 PM  
To: Lawrence Kasparowitz  
Subject: Walnut-Porter Sts. Planned Development

Hello: I would like to go on record as being strongly opposed to this development, as it is currently planned. As a Soquel resident, I am very pleased that so much of the character of Soquel has been retained, specifically on Porter St. I expressed my displeasure to one of the developers of this plan and I think his remarks were telling. He pointed to freeway and said that Porter St. is to Soquel, as 41<sup>st</sup> Ave. is to Capitola. I think that says a lot. The Soquel Creek (once a river before development affected it adversely) is closer to the planned development than the freeway is. I don't think anyone would like Porter St. to resemble 41<sup>st</sup> Ave.

There are three main issues that I would like to address:

- 1) Traffic right there in that particular spot, is already terrible due to Soquel School. It is difficult enough to attempt to turn left onto Porter from Soquel Wharf as it is. I can't even imagine the negative traffic impact this development would have on Porter St. at Walnut.
- 2) The character of Soquel is quaint and should be preserved. A dense, combination commercial/residential development is inappropriate for those parcels, chiefly because they are too small to accommodate what is being planned.
- 3) Note that Walnut St. was named for specific trees, all of which are gone, save for the beautiful, mature one on the planned development site. Do you really want to cut down a "significant tree" to make way for buildings, blacktop, and parking spaces? There are other beautiful trees on the site, but I was told by the developer that the Walnut tree is scheduled to go. Please don't let this happen.

Thank you for your consideration.

Deborah Ryman,

Soquel

## F A X M E M O

TO:

Larry Kasparowitz And  
Santa Cruz County Planning Commission  
454-2131

FROM:

**ANTHONY SILVEIRA**  
2223 Soquel Dr.  
Santa Cruz, CA 95065

MEMO:

RE: Feb 28 2007 meeting

Application # 05-0721. Eriksen

Dear Larry,

Please make multiple copies for  
Planning Commission meeting & presentation  
to members including staff.

DATE:

2-27-07

Thank you,  
Anthony Silveira

February 27, 2007

To: LARRY KASPAROWITZ, Project Planner AND Santa Cruz County  
Planning Commission,

Re: Application Number 05-0721 Eriksen

Date of Public Hearing is 2-28-07

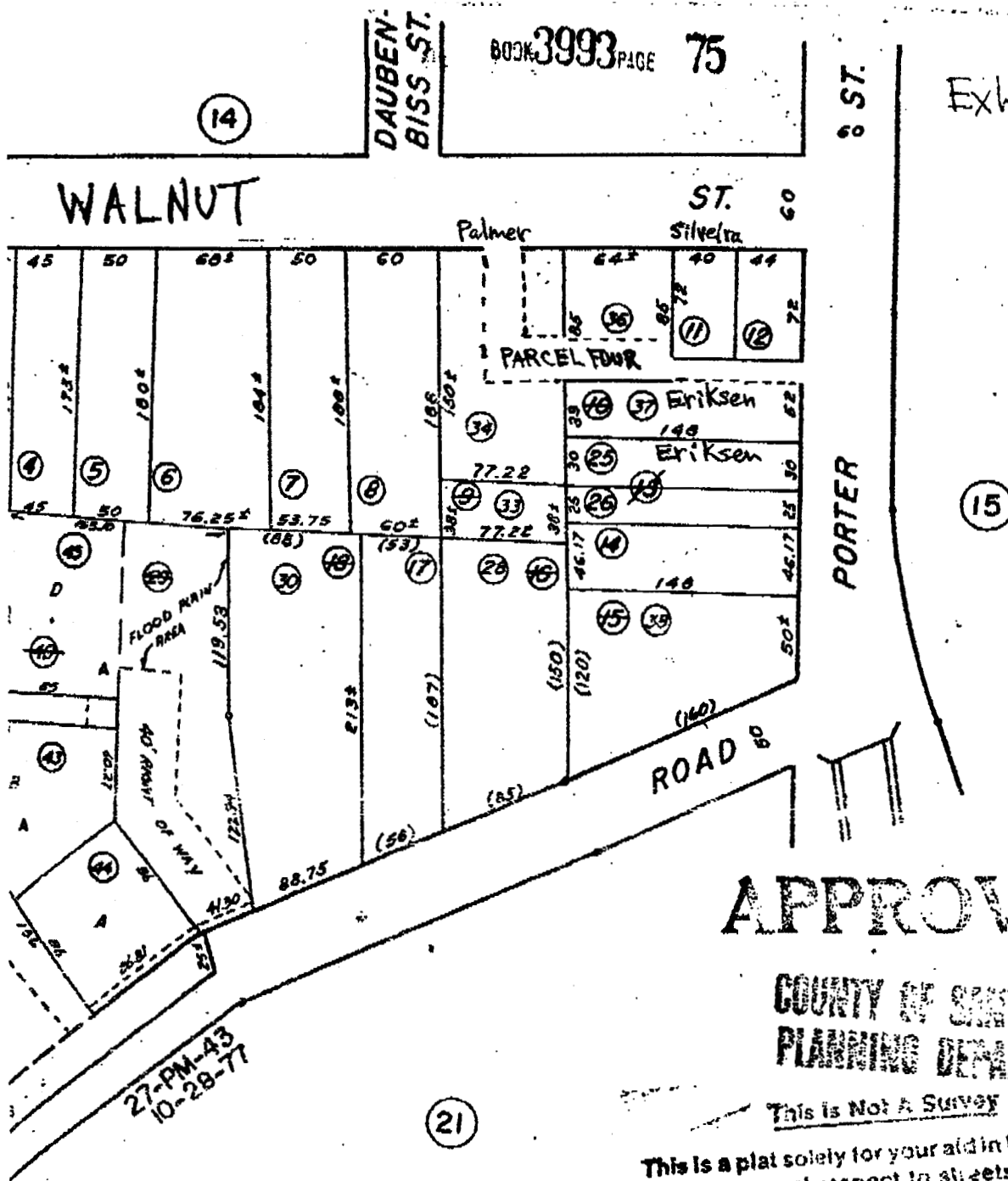
This letter is intended to put you on notice that the proposed project referred to as your application #05-0721, is being proposed to be partly built upon a Right Of Way driveway, referred to as Parcel Four on the County Approved Map attached and intended to include the future development of properties including all of the parcels of the above proposed project.

I can not allow the county to go ahead with any type of approval of this project while the county is aware of a known barrier and encroachment caused by the new proposed structure on a recorded map referring to this Right Of Way.

I am asking you to please put any approval measures on hold until the next planning meeting to allow us to all resolve this urgent concern. I will also be attending the meeting to present my concerns.

Thank you,

Anthony Silveira



**APPROVED**

COUNTY OF SANTA CRUZ  
PLANNING DEPARTMENT

This is Not A Survey

This is a plat solely for your aid in locating the land in general respect to streets and other parcels. Ticor Title Insurance Company assumes no liability for any loss occurring by reason of reliance thereon.

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

Assessor's Map No. 30-20  
County of Santa Cruz, Calif

Anthony and Kandie Silveria  
2223 Soquel Drive  
Santa Cruz, CA 95065

BOOK 3993 PAGE 69

RECORDED AT THE REQUEST OF  
FOUNDERS TITLE CO.

JUN 18 1986  
RICHARD W. MEDAL-Recorder  
SANTA CRUZ COUNTY, Official Records

# ROAD MAINTENANCE & CIRCULATION AGREEMENT

This Agreement is entered into this 20th day of May 1986, by and among the owners of that real property located in the County of Santa Cruz, State of California, as described in Exhibit "A" attached hereto and made a part hereof and pertains to that right of way described as 'Parcel-Pour in the aforementioned Exhibit,

Each of the owners of these parcels or any future division of these parcels shall have equal tight to, and obligation for, the benefits co this road and shall have one vote per parcel in matters pertaining the same. The cost of improvements shall be limited to within each owners parcel boundaries.

The owners of these parcels or any subsequent division of these parcels agree that each owner shall be responsble for damage to the road caused by themselves, family. friends or any service people or vendors doing service or handling goods ordered by or for themselves. Is the event any damage is dose to the road, the owners responsible shall perform or initiate necessary work to return the damaged portion of road to its prior condition. Necessary work shall be completed as soon as practicable or within 45 days from first noted damage. The parties agree to maintain the road to minimum standards which shall consist of whatever work is needed to keep the road mud-free, dust-free, safe. and adequate for year-round two-way traffic, and the storm drainage facilities functioning effectively. All work shall be done by a contractor or other qualified person acceptable to the majority of the parties,

Improvements to the road shall be ordered, implemented and paid for upon mutual approval of the owners party to the Agreement and shall be paid for in equal portions by all owners. Excepting owner(s) of APN's 30-201-25, 34,36, & 37 shall be solely responsible for the initial similar improvement of each of their lot portions lying within their property lines meeting the existing improved borders of APN 30-201-11 & 37.

All sums assessed in accordance with the provisions of this Agreement shall constitute a lien on each respective parcel owned by those party thereto.

The Parties agree that the rights and responsibilities contained in the Agreement shall coustitute covenants running with the land.

Should any provision of this Agreement be unlawful or unenforceable through statute or law, the partfes agree that this shall not cause the total Agreement to terminate, and that they shall be bound by the remaining

RE	MI
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## ROAD MAINTENANCE &amp; CIRCULATION AGREEMENT (CON'T)

covenants and promises herein contained.

The parties intend by this Agreement to impose mutually beneficial covenants concerning the maintenance and repair of Parcel Four. The parties hereto further agree to obligate themselves, their heirs, personal representatives, successors and assigns to maintain and improve said road in accordance with the terms and conditions of this agreement.

Currently to meet the parking and circulation necessities for the existing 0630 West Walnut Building know as APN 30-201-11, vehicles or pedestrians may enter a recorded right of way described as follows: A right of way for ingress and egress, 12 feet in width, the Northern line of which is the Southern line of the lands conveyed to Michael D. Liles, et.al., by Deed recorded on July 22, 1982, in Book 3465, Page 670, Official Records of Santa Cruz County and of the lands conveyed to May Gravenhorst, et.al., recorded on July 17, 1978, in Book 2937, Page 88, Official Records of Santa Cruz County.

Depending on when the commercial development/improvements are approved for each separate parcels of APN's 30-201-25, 34, 36 and 37, vehicle, pedestrian, parking and circulation arrangements shall be planned and agreed in writing between each parcel mentioned above.

It is the intention of May Gravenhorst Stauffer or her assigns to further develop the existing vehicle and pedestrian right of way to enter of Porter Street to run through APN 30-201-34, 36 and 37 and then cut out of APN 30-201-34 to ultimately exit into West Walnut.

(See Exhibit "A" attached).

WITNESS OUR HANDS this 17<sup>th</sup> day of June 1986.

May Gravenhorst Stauffer  
Bob Gravenhorst

Anthony Silveira  
Kandice Silveira

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(General)

STATE OF  
COUNTY OF Santa Cruz } SS.On June 17, 1986 before me, the undersigned, a Notary Public in and for said  
State, personally appeared May Gravenhorst Stauffer, Peter J.  
Gravenhorst, Anthony Silveira as David's Silveira\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence)  
to be the person S whose name S are subscribed  
to the within instrument and acknowledged that they  
executed the same.

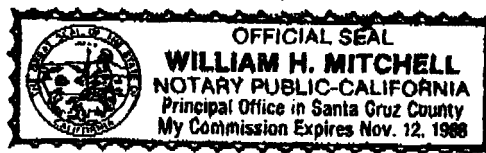
WITNESS my hand and official seal

Signature

William H. Mitchell

Name (Typed or Printed)

OFC-2056



(This area for official notarial seal)

This Form Furnished By Founders Title Company  
STAPLE HERE