



Staff Report to the Planning Commission

Application Number: **06-0389**

Applicant: Michael Bethke

Owner: Abbey Road Development, LLC

APN: 037-221-35

Agenda Date: April 23, 2008

Agenda Item #: 9

Time: after 9:00 a.m.

Project Description: Proposal to divide a 37,517 sq. ft. parcel into 4 lots and construct a single family residence on each lot.

Location: Abbey Road, Soquel

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Minor Land Division, Residential Development Permit and
Roadside/Roadway Exception

Technical Reviews: Soils Report Review

Staff Recommendation:

- Approval of Application 06-0389, based on the attached findings.
- Certification that the project is exempt from further environmental review under the California Environmental Quality Act.

Exhibits

- | | |
|---|---|
| A. Project plans | J. Soquel Creek Water District will serve letter |
| B. Findings | K. Central Fire Protection District letter |
| C. Conditions | L. Discretionary Application Comments |
| D. Categorical Exemption (CEQA determination) | M. Sanitation District letter |
| E. Location parcel map | N. Grading calculations prepared by Richard Irish, P.E. |
| F. General Plan map | O. Urban Designer's memo |
| G. Zoning map | P. Correspondence from Applicant |
| H. Arborist report | |
| I. Geotechnical review letter | |

Parcel Information

| | |
|----------------------------------|---|
| Parcel Size: | 37,517 sq. ft. |
| Existing Land Use - Parcel: | Single family dwelling and misc. outbuildings |
| Existing Land Use - Surrounding: | Residential |

Planning Area: Soquel
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-5 (Single family residential –
5,000 sq. ft. minimum parcel size)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Riparian / see report
Grading: Less than 1,000 yards proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

Project Setting

The subject lot is located in the Soquel Planning Area between Soquel Drive and Cabrillo College Drive, accessed from Willowbrook Lane. The 37,517 sq. ft. parcel is located at the end of Abbey Road, a 40 ft. wide right-of-way with a 64 ft. diameter cul-de-sac. The parcel slopes toward the ephemeral drainage channel located on the western boundary. The drainage channel is dominated by a large stand of eucalyptus that stretches beyond the property to the north and south. A single-family residence exists on the site. Assessor's records indicate that the structure was built in 1975, contains 3 bedrooms and a two-car garage.

The parcel has approximately 42 feet of unimproved frontage on the cul-de-sac. Abbey Road is improved to a width of approximately 26 feet. Curbs, gutters and sidewalks are installed on both sides the entire length of the street and the cul-de-sac except for the segment along the frontage of the project site. The project will complete these improvements.

Project History

The original application contained six lots and included a General Plan Amendment and a Rezoning to RM-3.5 to facilitate the development of six detached units. One of the lots would

fulfill the affordable housing obligation by offering the lot to Habitat for Humanity. Staff was not supportive of the change in General Plan density without design changes to the project to create multi-family (attached) units. The applicant did not want to construct attached units, so staff urged the applicant to redesign the project with four lots to comply with the General Plan density and zoning.

Current Proposal

As resubmitted, the proposal contains four lots with a single-family home on each lot. At the west end (rear) of the property is a riparian corridor containing an ephemeral stream with a Eucalyptus grove. The rear property line of the two lots adjacent to this area are set back a minimum of ten feet from the 20 ft. riparian buffer. Along the new rear property lines is an existing 10 ft. wide sanitary sewer easement (to remain).

The access to the development is from Abbey Road, which ends in a cul-de-sac. The access to the lots is a driveway of 20 ft. width in an L shape. Included in the driveway is an area designated as a fire turnaround. Parking for four cars is provided in pullouts along the driveway. A sidewalk is provided on one side of the driveway.

The homes on each lot meet all site development standards of the R-1-5 zone district (setbacks, lot coverage, floor area ratio and maximum height) as shown in the table below. Two parking spaces are provided in the garage and two on the driveway for each residence.

General Plan & Zoning Consistency

The project site has a General Plan land use designation of R-UM (Urban Medium Density Residential). This designation allows a density range of 7.3 to 10.8 units per developable acre, which corresponds to a lot size/density of 4,000 sq. ft. to 6,000 sq. ft. of net developable land per parcel/dwelling unit. The objective of this land designation is to provide for medium density residential development in areas within the Urban Services Line that have a full range of urban services.

The project is in the R-1-5 Zone District (single-family residential; 5,000 sq. ft. minimum parcel size). The proposed division of land complies with the zoning ordinance as the property is intended for residential use, the lot sizes meet the minimum dimensional standard for the R-1-5 Zone District and the setbacks on the new lots created will be consistent with the minimum zoning ordinance requirements. Planning staff calculated the total net developable area and determined that each newly created parcel proposed exceeds 5,000 sq. ft., well within the allowable density range.

The proposed single-family residences will meet the development standards for the R-1-5 zone district. Each proposed dwelling covers less than 40% of the total area and the proposed floor area ratio for each lot is less than 50%.

SITE DEVELOPMENT STANDARDS

| | Zoning District Standards | Lot 1 | Lot 2 | Lot 3 | Lot 4 |
|---|----------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Minimum Lot Size | 5,000 sq. ft. | | | | |
| Gross Lot Area (sq. ft.) | | 8,349 | 8,354 | 10,866 | 9,948 |
| Net Developable Area (sq. ft.) | 5,000 sq. ft. min. | 5,822 | 5,832 | 5,982 | 6,214 |
| Front Yard Setback (to edge of r.o.w.) | 20 feet | 20'-0" | 20'-0" | 24'-0" | 20'-0" |
| Rear Yard Setback | 15 feet | 15' | 15' | 74.5' | 73.5' |
| Side Yard Setback | 5 feet and 8 feet | 10.5' and 10' | 10' and 11.5' | 5' and 14.5' | 5' and 8' |
| Lot Coverage | 40% | 32.2 % | 32.1 % | 27.3 % | 26.3 % |
| Floor Area Ratio | .50 max. | 49.81 | 49.81 | 49.36 | 47.52 |
| Max. Bldg. Height | 28 feet | 24'-6" | 24'-6" | 26'-10" | 26'-10" |
| No. Parking Spaces Req. | 4 bedrooms 3 spaces | two in garage two in drive | two in garage two in drive | two in garage two in drive | two in garage two in drive |

Drainage

The existing drainage pattern currently flows to the rear of the lot. The drainage plan does not alter the basic pattern. The water on each lot is directed to catch basins that are connected with solid piping. Two detention tanks located under the driveway are used to regulate the flow of water to current development levels. The piping then leads to a level spreader at the top of the slope in the riparian corridor. Other level spreaders are used to dissipate the drainage from the rest of the site.

The Department of Public Works Storm Water review staff analyzed the proposed drainage plan and determined that the proposed drainage plan is consistent with County policies. DPW Stormwater review comments can be found in Exhibit N.

Sanitation

An existing 8" sanitary sewer line runs across the rear of the property at the edge of a 10 ft. wide easement. A manhole is at the property line where the sewer line continues to the north, while another manhole is near the southern property line on the applicant's property. The sewer line turns to the east at this point for approximately 25 ft. and then turns southward again. Another manhole is located at the intersection.

New sewer line laterals are delineated on Sheet C3 that extend from two of the new residences (on the western side of the property) that connect to the existing north-south 8" line. The other two new residences (on the eastern side of the property) will have new connections from the structures to a new 8" sewer line, running east-west, that connects to the existing manhole at the southern edge of the property.

A new 20 ft. wide easement is shown on the southern edge of the property to serve the new sewer line. The Sanitation Division of Public Works has asked for this easement to continue at 20 ft. width instead of the 10 ft. width currently shown. They have also asked for an all-weather access road (12 ft. width typ.) within the easement, a rolled curb to allow maintenance trucks to leave the access driveway, and landscape adjustments (including no trees). Complete comments are found in Exhibit N and a further discussion regarding this outstanding issue is included below.

Geotechnical Investigation

Redwood Geotechnical Engineering, Inc. has prepared a soils report for this site. Borings were taken between 15 and 20 feet deep. No groundwater was encountered. The report was reviewed and accepted by the Environmental Planning Division (See Exhibit K). The surface soils on this site are typical terrace deposits of sand, silt and clay mixtures. While there was no indication of any fill materials, previous site grading may have removed some materials. It is recommended by the geotechnical engineer that run-off water be directed away from the planned improvements.

The report recommends continuous perimeter footings and isolated interior piers. Where concrete slab on grade is used the report recommends thickened and reinforced elements

Design Review

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

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibits "A". An additional condition of approval has been incorporated that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval by the Planning Commission.

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. A condition has been added to require street trees selected from the Department of Public Works list.

Each garage door will be different from the others. The design of the proposed residences is

Contemporary Craftsman in style, and the units are sided with horizontal, vertical or mixed cementitious boards.

The County's Urban Designer has reviewed the proposed project and determined that the design of the single-family residences will enhance the character of the surrounding neighborhood. The County's Urban Designer comments are attached as Exhibit O.

Roadway/Roadside Exception

As proposed, the project does not meet the County of Santa Cruz Design Standards for road width and configuration. A Roadway Exception allows for less right-of-way width than would be required by the Department of Public Works Design Criteria. A Roadside Exception allows a variation from the Department of Public Works Design Criteria for improvements such as curbs, sidewalks, and landscaping. The road proposed serves four residences and cannot be extended to serve other parcels.

Two exceptions are necessary: the reduced access from Abbey Road and the access roadway serving the four proposed lots.

Abbey Road

The access from Soquel Drive or Cabrillo College Drive to this property is via Willowbrook Lane, a county collector road with full improvements along most of its width. The Abbey Road right of way extends westward from Willowbrook and is only forty feet wide. Because Abbey Road is almost entirely improved and there is no opportunity to acquire additional right of way, it is infeasible to apply the county road standard for the proposed four-unit project. The paved width of Abbey Road is about 26 feet with curbs, gutters and sidewalks on both sides of the road except along the subject property frontage. Staff supports a Roadway Exception for this reason.

Project Access

The applicant is proposing a 20 ft. wide access drive with a 4 ft. wide sidewalk on one side and four parking bays. An area for a fire-turnaround is being included and has been approved by the fire district. Each residence will accommodate two parking spaces within the garage and two parking spaces on the driveway. With the addition of the parking bays adjacent to the access way there will be five parking spaces for each residence where three are required. The sidewalk on one side of the street is all that is necessary given the configuration of the parcels and the existing development to the south. There is no need for sidewalks on both sides of the street. Because there is limited frontage on the cul-de-sac, a full sized road could not be constructed. Due to the physical and dimensional constraints of the site and the fact that more than adequate parking will be provided on-site, staff supports both the Roadway Exception and the Roadside Exception and findings are provided for approval elsewhere in the report.

Inclusionary Housing In-Lieu Fee

There is an existing residence on the property. This structure will be removed and four new residences are being proposed. No credit for the housing fee is given for the existing residence if it is removed as part of the application. Per Section 17.10.031(a) of the County Code a fee (\$15,000 for each unit) shall be paid for the third and fourth new ownership residential units.

Tree Removal

An arborist report was prepared by Christine-Sara Bosinger, which assessed the Eucalyptus grove at the rear of the property. The report describes a grove that is overgrown with a multitude of problems. Many of the trees are of such poor health and structure that she recommends that they not be preserved. A total of 45 such trees are being recommended for removal. The landscape indicates native trees and shrubs as replacements (California Live Oak, California Buckeye and Red Willow). A new five foot high fence will protect the native plantings.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, will qualify for an exemption to the California Environmental Quality Act (CEQA), under Section 15315 - Minor Land Divisions:

- a. division of the property is in an urbanized area,
- b. property is zoned for residential,
- c. four or fewer parcels are being created,
- d. the division is in conformance with the General Plan and Zoning,
- e. no variance or exceptions are required,
- f. all services and access to the proposed parcels to local standards are available,
- g. the parcel was not involved in a division of a larger parcel within the previous two years, and
- h. the parcel does not have an average slope greater than 20 percent.

This Minor Land Division meets all of the above requirements and therefore qualifies for the above-cited exception under the California Environmental Quality Act.

Outstanding Issue

There is one issue that has not been addressed by the applicant. The Department of Public Works, Sanitation Division has asked for a 20-foot wide easement extending from the cul-de-sac to the southernmost manhole, along the south side of the property. While most of this easement is congruent with the proposed driveway, a portion of the easement would cross the southern yard of Lot 3. This easement has not been shown on the Tentative Map or any other revised plan.

Inclusion of this easement and the reconfiguration of the development envelope on Lot 3 on the Tentative Map and Site Plan are included as Conditions of Approval. The larger issue is that this easement would require a redesign of the residence on Lot 3, as the easement cannot be covered by any permanent structure. Your Commission will not have the revised plans and elevations for this specific lot, as required for your review of all urban land divisions.

Because it appears that this is a relatively minor redesign, staff recommends that the Commission direct the applicant to redesign the residence on Lot 3 and direct staff to return the design to the Commission as a consent item agenda for their review. Staff will analyze the design, prepare a letter and schedule the item. Should the Commission have issues with the revised design, they can remove the item from the consent agenda for discussion.

Conclusion

All required findings can be made to approve this application. The Planning Commission will be able to review the plans for the revised residence at a future date. Conditions of Approval have been incorporated in order to insure that the Final Map will be in compliance with the Santa Cruz County Sanitation District requirements.

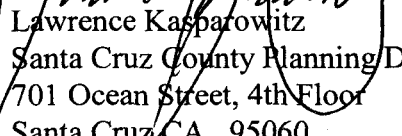
Staff Recommendation

- Certification that the project is exempt from further environmental review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0389**, based on the attached findings.

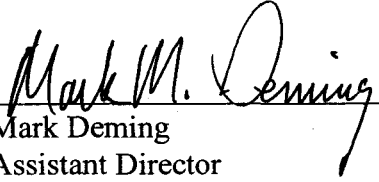
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

Report Prepared By: _____


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Report Reviewed By: _____


Mark Deming
Assistant Director
Santa Cruz County Planning Department

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

Subdivision Findings

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

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

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

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two single family lots and is located in the Residential Urban Medium Density General Plan designation which allows a density of one dwelling for each 4,000 to 6,000 square feet of net developable parcel area.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcel created, including municipal water and sewer service. The land division is off of an existing street, and no improvements are needed to provide satisfactory access to the project, with the exception of a new driveway to each lot. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular access.

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

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

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-5 Zone District where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new dwellings will both comply with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, minimum site width, floor area ratio and minimum site frontage

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

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

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for variances or site standard exceptions. No environmental constraints exist which would necessitate the area remain undeveloped.

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

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No mapped or observed sensitive habitats or threatened species impede development of the site as proposed. The project was determined to be exempt from CEQA, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (see Exhibit D).

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

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcels, and these services will be extended to serve the new parcels created.

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

As conditioned, the design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from existing public roads.

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

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

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

9. The proposed development project is consistent with the design standards and guidelines (Section 13.11.070 through 13.11.076) and other applicable requirements of this chapter.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed lot sizes meet the minimum dimensional standards for the R-1-5 zone district, and all development standards for the zone district will be met. The new homes are proposed to be two stories with a design that incorporates some of the Craftsman detailing found on other homes in the area. Siding for the new homes is proposed to be horizontal siding, vertical siding and stucco. Walls are proposed to be painted in beige tones. Roofing material is proposed to be dark colored composition shingles.

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibit "A".

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. Street trees are required in the project conditions.

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed three lot division with single family residences, 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 four lot division with single family residences, and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single-family Residential – 5,000 sq. ft. min. site area) zone district in that the primary use of the property will be four new lots with single family residences that meet 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 residential use is consistent with the use and density requirements specified for the R-UM (Urban Medium Density Residential) land use designation in the County General Plan.

The proposed single family residences 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 single family residences 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 single family residences, 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 single family residences will comply with the site standards for the R-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

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

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

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

This finding can be made, in that the proposed four lot division with single family residences, is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only 4 peak trips per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family residences, 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 three single family residences 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 #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

Roadway/Roadside Exception Finding

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

15.10.040 Definitions.

Roadway Improvements: Improvements to that portion of the roadway utilized for vehicular travel and located between the curbs on either side of the road.

Roadside Improvements: Curb, gutter, sidewalk, drainage and street tree improvements that are located within the right-of-way at either edge of the roadway.

This finding can be made for all of the requested exceptions. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping.

County Code Section 15.10.050(f)(1) allows for exceptions to roadside improvements when those improvements would not be appropriate due to the character of existing development. Given that Abbey Road is less than the standard road width (the right-of-way is only 40 feet wide), it would be out of character to require the subject parcel to meet the County Local Street Standard.

The access from Soquel Drive or Cabrillo College Drive to this property is via Willowbrook Lane, a county collector road with full improvements in some places. The Abbey Road right of way extends westward from Willowbrook and is only forty feet wide. Because Abbey Road exists and there is no opportunity to acquire additional right of way, it is infeasible to apply the full county road standards for the proposed four-unit project. The paved width of Abbey Road is about 26 feet with curbs, gutters and sidewalks on both sides of the road except the subject property. While narrower than county standards, these improvements are clearly adequate for the existing and proposed level of use.

The proposed roadway and roadside improvements for the project are appropriate for the number of units and the character of development in the vicinity. Each residence will accommodate two parking spaces within the garage and two parking spaces on the driveway. With the addition of the parking bays adjacent to the access way there will be five parking spaces for each residence where three are required. The sidewalk on one side of the street is all that is necessary given the configuration of the parcels and the existing development to the south. There is no need for sidewalks on both sides of the street. Because there is limited frontage on the cul-de-sac, a full sized road could not be constructed. Due to the physical and dimensional constraints of the site and the fact that more than adequate parking will be provided on-site, additional roadway width and roadside improvements are not necessary.

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

Conditions of Approval

Minor Land Division Permit No.: 06-0389

Applicant: Michael Bethke
Property Owners: Abbey Road Development LLC

Assessor's Parcel No.: 037-221-35

Property Location and Address: Abbey Road

Planning Area: Soquel

Exhibit A:

Architectural plans prepared by William Kempf and Associates (six sheets, dates vary);
Tentative map and topographic map prepared by Paul Hanagan, dated 06-22-207 and 12-29-2007,
respectively;
Civil drawings prepared by Richard Irish, P.E. dated July 2005, and revised June 23, 2006;

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

- I. This permit authorizes the division of one parcel into three lots and a remainder, the construction of two single-family residences, and the removal and placement of the existing residence to a new parcel. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved tentative map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than four (4) single-family residential lots.
 - C. The minimum lot size shall be 5,000 square feet, net developable land.

EXHIBIT B

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

D. The following items shall be shown on the Parcel Map:

1. Development envelopes corresponding to the required building setback lines located according to the approved Tentative Map.
2. Show the net area of each lot to nearest square foot.
3. A 20-foot wide easement between Abbey Road and the existing sewer manhole on the southwest corner of Lot 3. This easement shall be included in the deed of the properties.

E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:

1. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. A new sewer maintenance easement shall be shown on the map and a deed shall be recorded describing this easement. The Santa Cruz County Sanitation District shall review and approve the easement prior to recordation of the Final Map.
2. Lots shall be connected for water service to Soquel Creek Water District.
3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in Exhibits "A" and shall also meet the following additional conditions:
 - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, shall be permitted without review and approval by the Planning Commission.
 - b. Exterior finishes shall incorporate wood siding or stucco, as shown on the architectural plans and color sample board.
 - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-5 zone district. No residence shall exceed 30% lot coverage, or a 50% floor area ratio, or other standards as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.
4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the criteria of the Soquel Creek Water Department.

The following specific landscape requirements apply:

- a. Street trees shall be installed according to provisions of the County Design Criteria.
- b. Tree protection fencing and arborists recommendations for tree protection

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

shall be shown.

- c Vines shall be planted adjacent to the retaining wall, in close enough proximity to screen the wall in five years.
 - 5. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
 - 6. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural (see Condition III-M below) and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
 - F. The Owners Certificate for the Parcel Map shall include an irrevocable offer of dedication of the portion of the Abbey Road cul-de-sac shown on the Tentative Map. The dedication shall include a sufficient area to encompass the entirety of the improvements to complete the cul-de-sac.
- III. Prior to recordation of the Final Map, the following requirements shall be met:
- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
 - B. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
 - 2. Pay all necessary bonding, deposits, and connection fees.
 - C. Engineered improvement plans for roadways, sanitary sewer, stormwater, grading and erosion control are required for this land division. A subdivision agreement backed by financial securities is necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
 - 1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.
 - 2. The applicant shall submit to the Planning Department for review and approval the

EXHIBIT B

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

following:

- a A soils report for this site. Plans shall comply with all requirements of the soils report. Plan review letters shall be submitted from the geotechnical engineer indicating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.
 - b A preliminary grading plan to the Planning Department for review and approval.
 - c An erosion control plan to the Planning Department for review and approval.
3. Engineered drainage plans shall be reviewed and approved by the Department of Public Works. The following will be required:
- a. All necessary legal easement(s) will be required to be in existence across all neighboring parcels over which the constructed improvements will be built. The Improvement plans are to show these offsite improvements in sufficient detail that there is a clear record, and that they may be constructed.
 - b. A formal agreement for maintenance of these offsite drainage improvements must be created and recorded. The responsible parties for performance of such maintenance and associated costs is to be resolved between the affected landowners in the manner they deem fit.
 - c. Note on the plans provision for permanent bold markings at each inlet that read: "NO DUMPING - DRAINS TO BAY".
 - d. A recorded maintenance agreement may be required for certain stormwater facilities.
 - e. A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$0.90 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.
 - f. To be entitled for credits for pre-existing impervious areas, please submit documentation of permitted structures to establish eligibility. Documentation such as assessor's records, survey records, or other official records that will help establish and determine the dates they were built, the structure footprint, or to confirm if a building permit was previously issued is accepted
4. All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

- D. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval of the water agency.
- E. A Homeowners Association, or Common Interest Development association, shall be formed for maintenance of all areas under common use including sidewalks, driveways, landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps, power washing of any area with pavers and buildings. CC&R's shall be furnished to the Planning Department prior to the recordation of the final map and shall include the following, which are permit conditions:
 - 1. The Homeowners Association shall permanently maintain the area with pavers and all drainage structures, including silt and grease trap.
 - 2. Water Quality: Annual inspection of the silt and grease trap and power washing of any area with pavers shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Homeowners Association.
- F. All requirements of the Central Fire District shall be met.
- G. Park Dedication in-lieu fees shall be paid for three (3) bedrooms for each Lot shall be paid. Currently this fee is \$1,000 per bedroom, but is subject to change.
- H. Transportation Improvement fees shall be paid for three (3) single-family dwelling units (credit is given for the current residence). Currently, this fee is \$2,200 per unit, but is subject to change. An application for a fee credit for any off site improvement installed may be applied for with the DPW.
- I. Roadside Improvement fees shall be paid for three (3) dwelling units (credit is given for the current residence). Currently, this fee is, \$2,200 per unit, but is subject to change.
- J. Child Care Development fees shall be paid for three (3) bedrooms for all lots. Currently this fee is \$109 per bedroom, but is subject to change
- K. An application for a fee credit for any off site improvement installed may be applied for with the DPW.
- L. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- M. The applicant shall redesign the residence on Lot 3 to accommodate the sanitary sewer maintenance easement requirement(s) and staff will bring the design to the Commission as a consent item agenda for their review and approval.

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans. The construction of subdivision improvements shall also meet the following conditions:
- A. 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. During the meeting the applicant shall identify the site(s) to receive the export fill and present valid grading permit(s) for those sites, if any site will receive greater than 100 cubic yards or where fill will be spread greater than two feet thick or on a slope greater than 20% gradient, if applicable.
 - B. 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.
 - C. 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.
 - D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
 - E. 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.
 - F. Construction of improvements shall comply with the requirements of the geotechnical report prepared by Redwood Geotechnical Engineering, Inc, dated July 21, 2005.

The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
 - G. 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. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

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

3. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent on nearby streets maybe be required to control the export of excess dust and dirt.
 4. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
 5. The entire site shall be fenced during construction. A continuous 6-foot high, opaque fence shall be constructed and maintained along the common property line between the project and the school project (and as far as necessary to the west) to prevent access to the site from students.
- H. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- I. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map and/or the engineered improvement plans.
- J. All construction equipment, supplies and worker vehicles shall be parked on site and not in the public street or on school property.
- V. All future construction within the subdivision shall meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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

Application #: 06-0389
APN: 037-221-35
Owner: Abbey Road Development, LLC

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

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

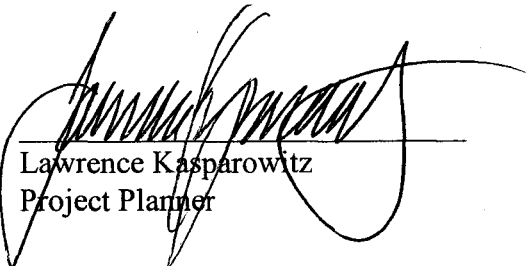
cc: County Surveyor

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Mark Deming
Assistant Planning Director

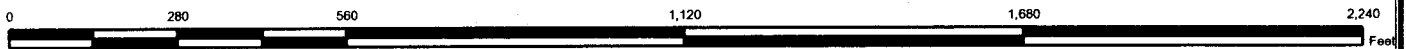


Lawrence Kasparowitz
Project Planner




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

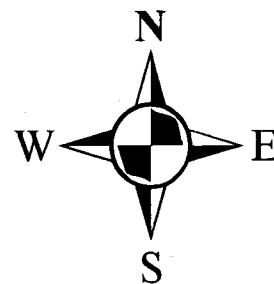


Location Map



Legend

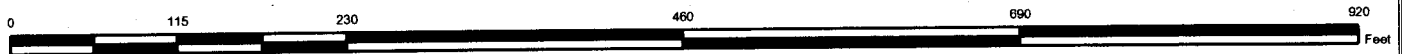
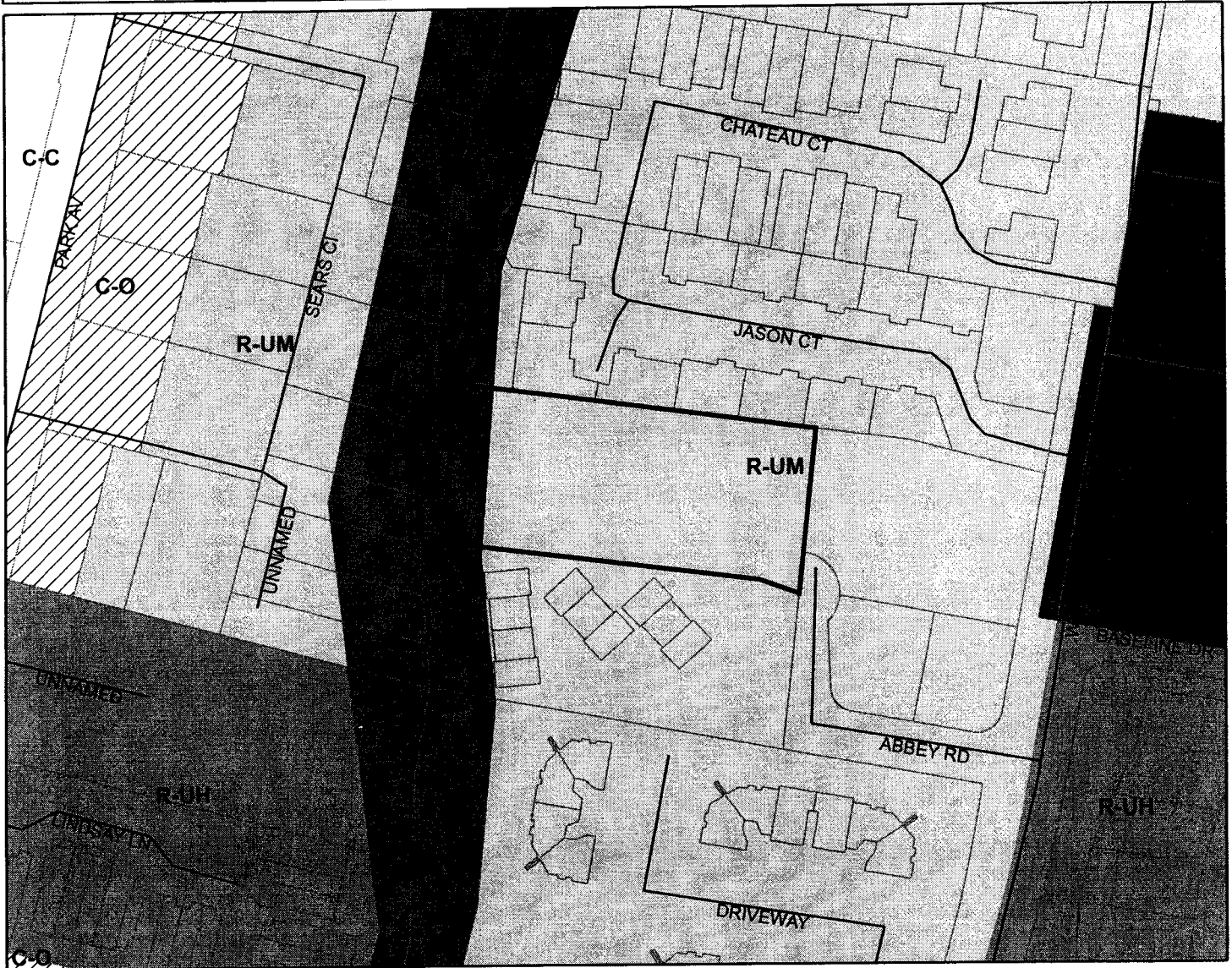
-  APN 037-221-35
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
August 2006

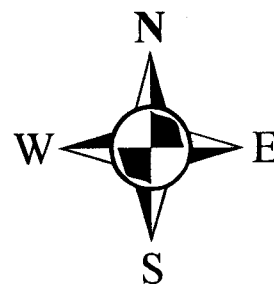


General Plan Designation Map



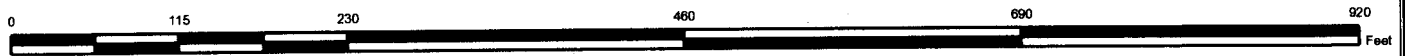
Legend

- APN 037-221-35
- Assessors Parcels
- Streets
- Residential - Urban Medium Density (R-UM)
- Residential - Urban High Density (R-UH)
- Urban Open Space (O-U)
- Parks and Recreation (O-R)
- Commercial-Community (C-C)
- Commercial-Office (C-O)

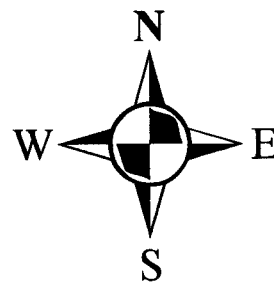


Map Created by
County of Santa Cruz
Planning Department
August 2006

EXHIBIT F



 APN 037-221-35
 Assessors Parcels
 Streets
 RESIDENTIAL-SINGLE FAMILY (R-1)
 RESIDENTIAL-MULTI FAMILY (RM)
 PARK (PR)
 COMMERCIAL-NEIGHBORHOOD (C-1)
 COMMERCIAL-PROF OFFICE (PA)



Map Created by
County of Santa Cruz
Planning Department
August 2006

EXHIBIT G

ARBORIST REPORT

Tree preservation and removal
for development of APN #037-221-35

LOCATION

6125 Abbey Road
Aptos, California 95003

PREPARED FOR

Abbey Road Development, LLC
PO Box 471
Brookdale, CA 95007

PREPARED BY

Christine-Sara Bosinger
Certified Arborist WE-4309
Quality Arbor Care
831-423-6441
PO Box 335
Capitola, CA 95010

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This evaluation was prepared to the best of our ability at Quality Arbor Care, in accordance with currently accepted standards of the International Society of Arboriculture. No warranty as to the contents of this evaluation is intended and none shall be inferred from statement or opinions expressed. Trees can and do fail without warning.

EXHIBIT H

Scope of Work

Abbey Road Development, LLC has plans to develop a large lot located at 6125 Abbey Rd., Aptos California. APN number 037-221-35. I was hired to inspect all trees located on the Abbey Road Development. The inspection was to evaluate all trees in this location to determine their health and what trees, if any, would be appropriate to preserve during construction. The main focus of this report will be on the Eucalyptus grove at the far west end of this property. This grove is not within the building envelope of this project but the owners wish to remove any trees that are hazardous or have the potential to become a hazard and then be replaced with more appropriate native species.

I have inventoried all trees, and tagged each individual tree with their assigned number. These numbers correspond with the inventory included in this report.

SUMMARY

I first looked at this project in May of 2006. At that time there were not any plans created or surveys of the land done. I simply assessed the Eucalyptus grove and addressed it in a letter of intent. Since then, I have received appropriate plans and surveys so that I can address all trees. I revisited the site on September 14, 2007. At that time I inventoried all trees and determined the best course of action for the trees and site.

The Eucalyptus grove is very overgrown with a multitude of problems. I did not inventory any tree under 6" in diameter at breast height, d.b.h., and recommend that all of these saplings be removed.

Trees numbered 3 through #33 are Eucalyptus trees which I recommend be removed. Trees #34 and #35 are Eucalyptus trees in the same location that I recommend be preserved. Trees #36 -41 are also Eucalyptus trees in the same grove that I am recommending be removed.

The remaining trees in this inventory are either in the building envelope, or of such poor health and structure that I am recommending that they not be preserved.

A total of forty-five (45) trees are being recommended for removal and to be re-landscaped with more appropriate trees. I strongly recommend that native species are used when appropriate.

A total of two (2) trees are being recommended for preservation. I have included pruning specifications for these trees.

The site map which was done June 2007 shows four trees on the south property to be removed. These trees have already been taken out. There are also 3 trees located between trees #2 and #42 that are also gone and two trees next to tree #46 that have been removed too. All of these trees stumps are still present and are very small in diameter, nothing greater than 2 to 3 inches.

OBSERVATIONS/DISCUSSION

This site sits on a large lot with townhomes and condominiums on either side. At the west end of the property is the large Eucalyptus grove with what appears to be a drainage ditch to the west of the grove.

Besides the Eucalyptus, this property does not have any mature or healthy trees on it. For the most part I would describe this property as being fallow. Trees number 1 and 2, #42 – 47 are all within the building envelope. However, their health and structure are so poor none of these trees would make appropriate candidates for trying to save. So, I have recommended all of their removals. This is a total of 8 trees to be removed in the area being developed. The proposed landscape plan shows replacing these 8 trees with 17 more appropriate trees.

The Eucalyptus grove all consists of *Eucalyptus globules*, Blue Gum Eucalyptus. These are non-native, very prolific species of Eucalyptus trees. These trees have dominated this area, and if left nothing else will have a chance to grow near or under this grove. The majority of these trees are saplings and sucker growth from a few large trees. The large established trees are the only ones that have structurally sound canopy and trunk taper. The smaller trees have been fighting for canopy space and light so they have grown fast trying to reach the top of the canopy, this causes a weaken trunk taper. It also causes the canopy to grow in only the top 10% of the tree. This creates an unbalanced tree that has the potential of failing or having the top braking out of the tree.

Another problem with growth this thick is that light and air is not getting into the understory of these trees. This creates a nice habitat for disease and pests. These trees

have a multitude of pests eating their leaves and a few trees are exuding large amounts of sticky sap which is a sign of the Eucalyptus Long-Horned beetle. The problem with over grown mono-cultures, such as this, is that they attend to attract pest that feed on the smaller less established trees.

I am recommending that 2 of the largest Eucalyptus trees remain. These trees are well established, in general good health with good structure. With the remaining trees being removed this will allow the native replanting to establish itself. The proposed landscape planting in this area calls for native trees and ground covers that will not only produce a nice screen and sound barrier but will also do well in this area and reclaim it as native habitat.

TREE INVENTORY

The attached tree inventory includes only the tree inventory, the tree number, size and my recommendation for that individual tree. Please note that all trees are measured in diameter, 4½ feet from soil grade. This measurement will be known as d.b.h. (diameter at breast height). I am leaving out the trees overall health, structure and construction impacts as I feel I have already made these clear in the discussion part of this report. This inventory for the most part is for the purpose of identifying the trees on site and to give an accurate tree count.

PRUNING SPECIFICATIONS

For trees number #34 & 35 which I am recommending to remain need to be pruned. All pruning needs to be done in accordance with the ANSI A300 pruning standard, the Project Arborist will be on site for all pruning, removal, and stump grinding of the trees. These trees shall be pruned after the removal of the rest of the grove. They then need to be pruned first for a canopy reduction of no more than 20%. Any deadwood or poorly structured limbs shall then be cleaned out of the tree, this shall not exceed more than 5% of the over all pruning.

REMOVAL OF TREES/DEBRIS SPECIFICATIONS

Trees #1 – 2 and #42 – 47 all can be felled and have their stumps left high for a backhoe to pull or they can be cut low and then ground with a stump grinder. I shall leave it to the contractor to determine what would be easiest for them.

The remaining trees to be removed can all be felled. Any trees that are in danger of damaging the two trees that we are preserving should first be topped and then felled. This is to mitigate any potential damage to the trees that are remaining.

The removal of these stumps needs to be done with a stump grinder and not pulled with any type of heavy equipment. These stumps shall be ground to depth of 24" below the grade of soil. The stumps that are near the trees that are being preserved shall only be superficially ground in order to not disturb the remaining trees roots, at a depth no deeper than 12" below soil grade.

The removal of all the organic debris in the area of the Eucalyptus can be done with a small bobcat. In the area near trees #34 & 35, the debris shall be done by hand with shovels and wheel barrows. Again the Project Arborist shall be on site during this part of the construction.

CONSTRUCTION SPECIFICATION

There will be little or no impact on the remaining two trees during the construction phase of this project. However, I recommend that orange construction fencing is placed under the canopy of these two trees. The fencing should be placed by the Project Arborist and placed in the area known as the critical root zone. This will discourage the storage of building debris and dirt near these trees.

CONCLUSION

The proposed construction of the four homes on this lot will result in the removal of a total of 45 trees over 6" in diameter. However, in this removal of trees a large segment of land will be recaptured for native plant habitat.

I have also reviewed the proposed landscape plans for this project and find that it was well thought out. The recommended plantings are all appropriate and should do well at the site.

Any questions regarding this report may be made to my office.

Sincerely,

Christine-Sara Bosinger

ISA Certified Arborist WE-4309

REFERENCES

Harris, Clark, Matheny, 1999. *Arboriculture third edition*, Prentice-Hall, Inc., Upper Saddle River, NJ.

Matheny, Clark, 1998. *Trees and Development*, International Society of Arboriculture, Publishers, Champaign, Illinois

National Arborist Association, 2001. *American National Standard for Tree, Shrub, and Other Woody Plant Maintenance (Pruning)*, National Arborist Assoc., Manchester, NH

ABBEY ROAD DEVELOPMENT
TREE INVENTORY

| TREE INVENTORY # | SPECIES | D.B.H. | RECOMMENDATION |
|------------------------|----------------------------|----------|---|
| 1 | <i>liquidamber</i> | 6" | Remove |
| 2 | <i>Eucalyptus globules</i> | 14" | Remove |
| 3 | <i>Eucalyptus globules</i> | 12", 14" | Double standard tree, Remove |
| 4 | <i>Eucalyptus globules</i> | 6", 12" | Double standard tree, Remove |
| 5 | <i>Eucalyptus globules</i> | 16", 24" | Double standard tree, Remove |
| 6 | <i>Eucalyptus globules</i> | 20" | Remove |
| 7 | <i>Eucalyptus globules</i> | 12" | Remove |
| 8 | <i>Eucalyptus globules</i> | 10", 16" | Double standard tree, Remove |
| 9 | <i>Eucalyptus globules</i> | 18" | Remove |
| 10 | <i>Eucalyptus globules</i> | 20" | Multi-trunk tree D.B.H. is averaged, Remove |
| 11 | <i>Eucalyptus globules</i> | 20", 10" | Remove |
| 12 | <i>Eucalyptus globules</i> | 10" | Remove |
| 13 | <i>Eucalyptus globules</i> | 24", 24" | Double standard tree, Remove |
| 14 | <i>Eucalyptus globules</i> | 12" | Remove |
| 15 | <i>Eucalyptus globules</i> | 24" | Remove |
| 16 | <i>Eucalyptus globules</i> | 14" | Remove |
| 17 | <i>Eucalyptus globules</i> | 16", 16" | Double standard tree, Remove |
| 18 | <i>Eucalyptus globules</i> | 10" | Remove |
| 19 | <i>Eucalyptus globules</i> | 10" | Remove |
| 20 | <i>Eucalyptus globules</i> | 12", 10" | Double standard tree, Remove |
| 21 | <i>Eucalyptus globules</i> | 28" | Remove |
| 22 | <i>Eucalyptus globules</i> | 14" | Remove |
| 23 | <i>Eucalyptus globules</i> | 16" | Multi-trunk tree D.B.H. is averaged, Remove |
| 24 | <i>Eucalyptus globules</i> | 12" | Remove |
| 25 | <i>Eucalyptus globules</i> | 6", 12" | Double standard tree, Remove |
| 26 | <i>Eucalyptus globules</i> | 6" | Multi-trunk tree D.B.H. is averaged, Remove |
| 27 | <i>Eucalyptus globules</i> | 16" | Remove |
| 28 | <i>Eucalyptus globules</i> | 12" | Remove |
| 29 | <i>Eucalyptus globules</i> | 10" | Remove |
| 30 | <i>Eucalyptus globules</i> | 60" | Remove |
| 31 | <i>Eucalyptus globules</i> | 14" | Remove |
| 32 | <i>Eucalyptus globules</i> | 12" | Remove |
| 33 | <i>Eucalyptus globules</i> | 54" | Remove |
| 34 | <i>Eucalyptus globules</i> | 52" | Preserve |
| 35 | <i>Eucalyptus globules</i> | 38" | Preserve |
| 36 | <i>Eucalyptus globules</i> | 25" | Remove |

ABBEY ROAD DEVELOPMENT
TREE INVENTORY

| TREE INVENTORY # | SPECIES | D.B.H. | RECOMMENDATION |
|------------------------|----------------------------|--------|---|
| 37 | <i>Eucalyptus globules</i> | 22" | Remove |
| 38 | <i>Eucalyptus globules</i> | 24" | Remove |
| 39 | <i>Eucalyptus globules</i> | 16" | Multi-trunk tree D.B.H. is averaged, Remove |
| 40 | <i>Eucalyptus globules</i> | 12" | Multi-trunk tree D.B.H. is averaged, Remove |
| 41 | <i>Eucalyptus globules</i> | 24" | Multi-trunk tree D.B.H. is averaged, Remove |
| 42 | <i>Quercus agrifolia</i> | 10" | Remove |
| 43 | <i>Olea europaea</i> | 4" | Remove |
| 44 | <i>Persimmon</i> | 4" | Remove |
| 45 | <i>Quince</i> | 4" | Remove |
| 46 | <i>Plum</i> | 12" | Remove |
| 47 | <i>Magnolia</i> | | Multi-trunk tree, Remove |



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

August 15, 2006

Michael Bethke
Slatter Construction
426 Fern Street
Santa Cruz, CA 95060

**Subject: Review of Geotechnical Report by Redwood Geotechnical Engineering, Inc,
Dated July 21, 2005, Project No.: 1865SCL;
APN 037-221-35, Application No.: 06-0389**

Dear Mr. Bethke:

The purpose of this letter is to inform you that the Planning Department *has accepted* the subject report and the following items are required:

1. All construction shall comply with the recommendations of the report.
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Before building permit issuance, a *plan-review letter* shall be submitted to Environmental Planning from the geotechnical engineer. This letter shall state that the project plans conform to the report's recommendations.
4. The building permit application shall adequately depict all proposed grading and drainage improvements (including driveway improvements) to the satisfaction of Environmental Planning.

After building permit issuance the soils engineer *must remain involved with the project* during construction. Please review the *Notice to Permits Holders* (attached). Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please call the undersigned at (831) 454-3210, or e-mail kevin.crawford@co.santa-cruz.ca.us or Kent Edler at 454-3168 & kent.edler@co.santa-cruz.ca.us if we can be of any further assistance.

Sincerely,

Kevin Crawford
Civil Engineer

Cc: Abbey Road Development, LLC, Owner, P.O. Box 471, Brookdale, CA 95007
Redwood Geotechnical Engineering, Inc, 7450 Railroad St, Gilroy, CA 95020
Andrea Koch, Resource Planner
Kent Edler, Civil Engineer

July 19, 2006

Mr. Michael Bethke
Slatter Construction
126 Fern Street
Santa Cruz, CA 95060**SUBJECT: Conditional Water Service Application – 6125 Abbey Road,
Aptos, APN 037-221-35**

Dear Mr. Bethke:

In response to the subject application, the Board of Directors of the Soquel Creek Water District at their regular meeting of July 18, 2006, voted to grant you a conditional Will Serve Letter for your project so that you may proceed through the appropriate planning entity. An Unconditional Will Serve Letter cannot be granted until such time as you are granted a Final Discretionary Permit on your project. At that time, an Unconditional Will Serve Letter will be granted subject to your meeting the requirements of the District's Water Demand Offset Program and any additional conservation requirements of the District prior to obtaining the actual connection to the District facilities subject to the provisions set forth below.

Possible Infrastructure Check List

| | yes | no |
|--|-----|----|
| 1. LAFCO Annexation required | | |
| 2. Water Main Extension required off-site | | |
| 3. On-site water system required | | |
| 4. New water storage tank required | | |
| 5. Booster Pump Station required | | |
| 6. Adequate pressure | | |
| 7. Adequate flow | | |
| 8. Frontage on a water main | | |
| 9. Other requirements that may be added as a result of policy changes. | | |

This present indication to serve is valid for a two-year period from the date of this letter; however, it should not be taken as a guarantee that service will be available to the project in the future or that additional conditions, not otherwise listed in this letter, will not be imposed by the District prior to granting water service. Instead, this present indication to serve is intended to acknowledge that, under existing conditions, water service would be available on condition that the developer agrees to provide the following items without cost to the District:

- 1) Destroys any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfies all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfies all conditions of Resolution No. 03-31 Establishing a Water Demand Offset Policy for New Development, which states that all applicants for new water service 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;
- 4) Satisfies all conditions for water conservation required by the District at the time of application for service, including the following:
 - a) Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval. Current Water Use Efficiency Requirements are enclosed with this letter, and are subject to change;
 - b) All interior plumbing fixtures shall be low-flow and all Applicant-installed water-using appliances (e.g. dishwashers, clothes washers, etc.) shall have the EPA Energy Star label plus new clothes washers also shall have a water use factor of 7.5 or less;
 - c) District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing domestic water service;
- 5) Completes LAFCO annexation requirements, if applicable;
- 6) All units shall be individually metered with a minimum size of 5/8-inch by ¾-inch standard domestic water meters;
- 7) 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.

Future conditions which negatively affect the District's ability to serve the proposed development include, but are not limited to, a determination by the District that existing and anticipated water supplies are insufficient to continue adequate and reliable service to existing customers while extending new service to your development. In that case, service may be denied.

You are hereby put on notice that the Board of Directors of the Soquel Creek Water District is considering adopting additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's

only source of supply. Such actions are being considered because of concerns about existing conditions that threaten the groundwater basins and the lack of a supplemental supply source that would restore and maintain healthy aquifers. The Board may adopt additional mandatory mitigation measures to further address the impact of development on existing water supplies, such as the impact of impervious construction on groundwater recharge. Possible new conditions of service that may be considered include designing and installing facilities or fixtures on-site or at a specified location as prescribed and approved by the District which would restore groundwater recharge potential as determined by the District. The proposed project would be subject to this and any other conditions of service that the District may adopt prior to granting water service. As policies are developed, the information will be made available at the District Office.

Sincerely,

SOQUEL CREEK WATER DISTRICT



Jeffery N. Gailey

Engineering Manager/Chief Engineer

Cc: Abbey Road, L.L.C.
P.O. Box 471
Brookdale, CA 95007

*Enclosures: Water Use Efficiency Requirements & Sample
Unconditional Water Service Application*



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: July 17, 2007
To: Abbey Rd. Developement LLC
Applicant: **Michael Bethke**
From: Tom Wiley
Subject: **06-0389**
Address: **6125 Abbey Rd.**
APN: 037-221-35
OCC: 3722135
Permit: 20070200

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2001) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and SPRINKLERED as determined by the building official and outlined in Chapters 3 through 6 of the 2001 California Building Code (e.g., R-3, Type V-N, Sprinklered).

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 250 feet of any portion of the building. A new fire hydrant is to be installed at the end of Abbey Rd. at the driveway to the development.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to and during time of construction (CFC 901.3).

SHOW on the plans DETAILS of compliance with the District Access Requirements outlined on the enclosed handout. The roadway(s) are required to be designated as fire lanes, and painted with a red curb with FIRE LANE NO PARKING in contrasting color every 30 feet on the top of the red curb. If the roadway is 27' or less, both sides of the street/roadway shall be painted, 35' and down to 28' in width, the roadway curbs shall be painted on one side, and 36' and wider no red curb is required. All cul-de-sacs shall be fire lane, red curbed.

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

NOTE that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval.

Serving the communities of Capitola, Live Oak, and Soquel

EXHIBIT K

Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½ inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

NOTE on the plans that a 100-foot clearance will be maintained with non-combustible vegetation around all structures.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.
3722135-071707

EXHIBIT K

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON AUGUST 15, 2006 BY KEVIN D CRAWFORD ===== 08/15/06 - Soil Report by Redwood Geotechnical reviewed and accepted this date by Kevin Crawford.

Comments on Plan Shts C1 thru C5, dated June 2006: Plans may be considered complete for discretionary review purposes. See Miscellaneous Comments for additional comments. ===== UPDATED ON AUGUST 15, 2006 BY ANDREA M KOCH ===== 1) Please submit grading calculations.

2) Please show on all the civil plan sheets the dripline of the eucalyptus trees.

3) In order to remove the specified eucalyptus trees, you must restore the area with native trees, such as oaks. Please submit a restoration plan prepared by a restoration consultant.

Please see the following link for a list of biotic consultants. Biotic consultants specializing in restoration have an 'R' designation. Please select a consultant specialized in restoration.

<http://www.sccoplanning.com/bioconsultants.htm>

4) Relocate the proposed drainage outlets (shown on Sheet C5 as energy dissipators) further upslope near the proposed location of the silt fence (also shown on Sheet C5). This will reduce disturbance to the riparian area and to the slopes of the bank.

Also, instead of energy dissipators, use level spreaders. These will cause less construction disturbance than energy dissipators and will more effectively disperse run-off, instead of concentrating it in one area. ===== UPDATED ON DECEMBER 8, 2006 BY ANDREA M KOCH =====

Remaining Completeness Comments:

1) Please relocate the proposed level spreaders so that they are not within the 20'-wide riparian buffer. (They may, however, be located within the additional 10'-wide construction setback.)

No development at all is allowed within the 20'-wide riparian buffer unless a Riparian Exception is obtained.

2) Show on the plans a construction detail for the level spreaders.

3) A note on Sheet C4 of the plans indicates that Quality Arbor Care prepared an arborist's report dated May 3, 2006. It appears that an arborist's report was prepared to address removal of eucalyptus trees and restoration with native vegetation. This will adequately substitute for the involvement of a biotic consultant that I asked for after the first submittal.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 2

Please submit a copy of this arborist's report.

4) On Sheet C4 of the plans, the note about the arborist's report states:

"Tree removal is based on the report by Quality Arbor Care dated May 3, 2006. This plan identifies trees that have been field surveyed that are to be removed. Additional trees are to be removed as identified on the above noted report."

Please show on the plans ALL tree proposed for removal.

In addition, for each tree proposed for removal, identify on the plans its species and diameter at breast height (approximately 4.5 feet above the ground). (The plans included in the first submittal identified the species and diameters of the trees, but the plans included in the second submittal do not.)

5) Once the final project plans have been prepared, submit a plan review letter from the arborist. The plan review letter must state that the final project plans conform to the recommendations in the arborist's report. The letter should specifically review proposed tree removal shown on the civil sheets and the restoration shown on the Planting Plan on Sheet L1.

6) Show on the plans a split-rail fence at least 5-feet high at the edge of the 20'-wide riparian buffer. The split-rail fence will keep people out of the riparian buffer but let wildlife pass through. ===== UPDATED ON JULY 27, 2007 BY AN-
TONELLA GENTILE =====

Comments 1-6 by Andrea Koch dated 12/8/06 have not been addressed. Please submit revised plans and other materials as described above. ===== UPDATED ON NOVEMBER 26, 2007 BY ANTONELLA GENTILE =====

Remaining completeness comments:

1. The level spreaders have not been relocated. See compliance comments.
2. A detail for the level spreader was not included. See conditions of approval.
3. Thank you for submitting the arborist's report.
4. Size and species has not been included for all trees to be removed. Show this information in plan view.
5. A plan review letter shall be submitted from the project arborist referencing the revised plans and stating that they conform to the recommendations in the report.
6. A wire mesh fence is proposed for the 20 foot riparian corridor setback line. As stated above, show a split rail fence in this area. See conditions of approval.

Environmental Planning Miscellaneous Comments

===== REVIEW ON AUGUST 15, 2006 BY KEVIN D CRAWFORD =====

08/15/06 - Comments this date by Kevin Crawford: (for Shts C1-C5 dated 6/06) These comments may be addressed at the permit stage.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 3

Sht C1: It is obvious the entire site will be graded or disturbed, except the westerly portion adjacent to the riparian area. Please provide a Limits of Grading Line for the westerly portion. A note near that line should state that the rest of the property will be graded or disturbed. Please indicate pad grades for proposed lots. Also please provide top & bottom wall elevations for all retaining walls at all ends and angle points of walls. Construction Details are required for the proposed retaining walls.

Sht C2: Section A-A should show landscape wall at lower (west) end. Section B-B does not show existing fences shown in plan view (C1). Please either show fences at P.L. or provide 1/2 ft. min. clearance between grading catch point and property lines (N & S). It is unclear what is being depicted by detail labeled "Grading Between Units". Is upper horiz. line the FF elevation and lower level (18" below) the pad grade? What is the significance of the 0.15' drop on the lower unit? Please clarify this detail.

Sht C4: Is there an existing septic system onsite? If so please show and provide direction for abandonment. Please provide information on abandonment of well on APN 037-221-54. Is the well within an easement or is a Right-of-Entry required for this work? Is the "concrete trough" a drainage structure? If so, Please show existing pipes. Must all trees be removed near riparian corridor? ===== UPDATED ON AUGUST 16, 2006 BY ANDREA M KOCH =====

1) During the building permit application process, please submit a plan review letter from the soils engineer. The letter should state that the plans are in conformance with the recommendations in the soils report.

Do not submit the plan review letter until final plans acceptable to all reviewing agencies have been prepared. Revisions to the plans may require new plan review letters.

2) If there will be a Homeowner's Association, the development shall be conditioned so that the Homeowner's Association maintains the restoration planting and prevents the return of eucalyptus trees.

===== UPDATED ON DECEMBER 12, 2006 BY ANDREA M KOCH =====

12/12/06

1) All Kevin Crawford's miscellaneous comments dated August 15, 2006 have been addressed except for the comments regarding Sheet C4. ===== UPDATED ON JULY 27, 2007 BY ANTONELLA GENTILE =====

No further misc. comments at this time. ===== UPDATED ON NOVEMBER 26, 2007 BY ANTONELLA GENTILE =====

Compliance comments:

Placing the level spreaders within the riparian corridor setback would require the approval of a Riparian Exception. A Riparian Exception would not be granted for the spreaders because they could be placed outside of the setback area. Therefore, this project will be recommended for denial if the spreaders are not moved on the plans.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 4

Conditions of Approval:

A detail for the level spreaders must be shown on the improvement plans and building plans.

The fence to be placed at the 20-foot riparian corridor setback line shall be a split-rail fence. This must be shown on the improvement plans and building plans.

Housing Completeness Comments

===== REVIEW ON AUGUST 9, 2006 BY TOM POHLE =====

NO COMMENT

===== UPDATED ON AUGUST 9, 2006 BY TOM POHLE =====

Based on the understanding that this project will produce 6 parcels from one parcel, the project will have an Affordable Housing Obligation (AHO) equal to .9 of a unit, resulting in the need to pay a fee in accordance with County Code 17.10 and the County Affordable Housing Guidelines. Prior to filing the final map for the subdivision the developer will also be required to record a Measure J Participation Agreement. As an alternative to paying the fee the developer may request dedicating one of the units as affordable housing. For more information, please feel free to contact me at 454-2224.

Housing Miscellaneous Comments

===== REVIEW ON AUGUST 9, 2006 BY TOM POHLE =====

none

Long Range Planning Completeness Comments

===== REVIEW ON AUGUST 16, 2006 BY GLENDA L HILL =====

NO COMMENT

Long Range Planning Miscellaneous Comments

===== REVIEW ON AUGUST 16, 2006 BY GLENDA L HILL =====

1. This application includes a request to amend the General Plan Land Use designation from Urban Medium to Urban High Residential. As per SB 18, State law mandates that this request is subject to tribal consultation with interested tribes concerning cultural issues. Policy Section staff will process the consultation. No final decision on this application can occur until consultation is completed. 2. State and County allows a maximum of four General Plan Amendments each calendar year. Depending on the number of Amendments already processed during the year, this limitation can affect the timing of its scheduling for public hearing and decision.

Dpw Drainage Completeness Comments

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

===== REVIEW ON AUGUST 15, 2006 BY DAVID W SIMS =====

1st Review Summary Statement:

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 5

The present development proposal is not approvable by Stormwater Management review because it fails to adequately control stormwater impacts. The proposal is out of compliance with both County General Plan drainage policies and the County Design Criteria (CDC) Part 3, Stormwater Management, June 2006 edition.

Compliance Items:

Reference for applicable General Plan drainage policies:

<http://www.sccoplanning.com/pdf/generalplan/toc.pdf> 7.23.1 New Development 7.23.2 Minimizing Impervious Surfaces 7.23.4 Downstream Impact Assessments 7.23.5 Control Surface Runoff

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

Item 1) The development must hold runoff levels at predevelopment rates. The proposed use of structural detention as the primary/sole stormwater mitigation is not allowed. (see Part 3, Section G, 1, of CDC and Policy 7.23.1 of the GP). Detention will be allowed only to the extent that predevelopment runoff rates cannot be maintained through other applied measures, and where drainage problems are not resolved. Designers shall contact the Department of Public Works for approval prior to the design of a structural detention system. Please contact your reviewer to discuss. Any detention that may be approved for use shall limit allowable release rates to the pre-development 5-year storm, and shall have volume sized to store the County standard 10-year storm. Please provide a proposal consistent with County standards.

Item 2) The development proposal must include mitigations that will control a broad range of storm impacts (see Part 3, Section G, 2, e, of CDC). Please provide a proposal consistent with County standards. (Note: there are downstream capacity problems where flooding occurs over primary access road surfaces on a less than annual basis.)

Item 3) The proposed detention system is significantly undersized from that determined by County standard procedures. Correct sizing may impact the easement area size or orientation, etc... Please revise as needed, if detention is approved for use.

Item 4) The development proposal fails to minimize impervious surfacing. County policy 7.23.2 requires that impervious surfacing be limited so as to minimize the amount of post-development surface runoff. Please revise the proposal to address this policy to a significant extent. It is noted that the proposal seeks a rezoning that would allow denser development of the site. It is recommended that this rezoning only be allowed if General Plan policy 7.23.2 is implemented significantly and effectively on the site along with other mitigations. With proper design, it is feasible to use porous pavements on this site to meet the policy requirement and still allow for the proposed level of development.

Information Items:

Item 5) County policy requires topography be shown a minimum of 50 feet beyond the project work limits. (see Part 1, Section A, 1, g, of CDC) Please provide this mini-

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 6

imum extent at all locations, and further extents where necessary to depict drainage characteristics affecting the development.

Item 6) The plan needs to include flow arrows depicting the direction of natural drainages and proposed surface and sub-surface flow paths, so that others may readily understand these patterns.

Item 7) Stormwater mitigation facilities and other drainage structures are not shown located in section and profile views. Please include all of these, and provide other detailing as needed to show this information.

Item 8) Plan view (sheet C1) shows section alignments A, B, C, and E (no D?). Only sections A and B are found detailed on sheet C2. Please revise for consistency.

===== UPDATED ON DECEMBER 6, 2006 BY DAVID W SIMS =====

2nd Review Summary Statement:

The present development proposal remains out of compliance with significant items within the County Design Criteria (CDC) Part 3, Stormwater Management, June 2006 edition. Some minor informational items are still missing. The Stormwater Management section cannot recommend approval of the project as proposed.

Compliance Items:

Prior Item 1) The applicant has made a significant attempt to revise the proposal to meet County stormwater requirements, and the detailed response was clearly done. However, the new proposal does not meet several significant County Design Criteria (CDC) requirements, which affects the suitability of the proposal to meet mitigation goals, and prevents acceptance. CDC Part 3, Section H, item 3a and 3h address site layout and planning, requiring 10 ft separation of retention storage facilities from habitable structures. Many of the proposed locations for mitigations do not meet this requirement. CDC Part 3, Section H, item 5d limits the type of soils within which retention storage facilities relying on ground permeability for drainage of the stored volumes may be placed. The drain down time for storage structures is to be 48 hours or less per CDC Part 3, Section H, item 9.b.2. Please revise locations and/or methods used, assuring these criteria are met.

Prior Item 2) The development proposal now includes types of mitigations that have the potential to control a broad range of storm impacts. Refer back to prior item 1 for issues that affect feasibility of the proposal.

Prior Item 3) Comment no longer applicable due to design changes.

Prior Item 4) The development proposal now proposes some gravel surfacing and wood decks to minimize impervious surfacing. Please see miscellaneous comments for issues pertaining to conditions related to this proposal.

Information Items

Prior Item 5) Incomplete. Minimum topography requirements have not been fulfilled.

Prior Item 6) Incomplete. The plan still needs to include flow arrows depicting the

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 7

direction of proposed surface flow paths.

Prior Item 7) Complete. Stormwater mitigation facilities, other drainage structures and detailing are now shown located in section and profile views. Please see miscellaneous comments.

Prior Item 8) Complete. Section alignments have been revised for consistency.

Please see miscellaneous comments. ===== UPDATED ON JULY 31, 2007 BY DAVID W SIMS =====

3rd Review Summary Statement:

The present development proposal remains out of compliance with significant items within the County Design Criteria (CDC) Part 3, Stormwater Management, June 2006 edition. Some minor informational items are still missing. The Stormwater Management section cannot recommend approval of the project as proposed.

Compliance Items:

Prior Item 1) The proposed location of gravel trenches between lots 3 and 4 still does not resolve the issue previously commented on, with approximately one third of the length of each trench unable to drain entrapped water. The proposal for permeable driveway and parking stalls also needs to show how sub-drainage on the tighter Watsonville soils will be achieved. Please see prior comment for this item.

Prior Item 2) Please see prior comment for this item.

Prior Item 3) No calculations were received supporting the latest changes to the proposed mitigation measures.

Prior Item 4) No additional comment for this routing.

Information Items

Prior Item 5) Complete. Topography is slightly less than specified, but sufficient.

Prior Item 6) Incomplete. The plan still needs to include more flow arrows depicting the direction of proposed surface flow paths, such as street gutters and larger flat landscape zones.

Prior Item 7) Incomplete. Stormwater mitigation facilities are no longer shown located in the roadway profile view. It appears a drawing layer was not printed.

Prior Item 8) Remains complete.

Please see miscellaneous comments. ===== UPDATED ON NOVEMBER 26, 2007 BY DAVID W SIMS =====

4th Review Summary Statement:

The present development proposal remains out of compliance with significant items within the County Design Criteria (CDC) Part 3, Stormwater Management, June 2006

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 8

edition. Some minor informational items are still missing. The Stormwater Management section cannot recommend approval of the project as proposed.

See prior comments for items not shown below:

Prior item 1) Unaddressed. Prior item 1 and several related miscellaneous items from the prior review comments have not been addressed and to resolve them may significantly affect the proposed design. If not addressed at this stage, these corrections will be conditioned and required to be made during filing of the final map and improvement plans.

Prior Item 7) Complete. The drawing layer showing Stormwater mitigation facilities in the roadway profile view has been restored.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON AUGUST 15, 2006 BY DAVID W SIMS =====

No downstream assessment is required because the general nature of problem areas is already known and improvements are not anticipated as feasible for this size of development.

It is recommended that this application be routed to State Parks for comment regarding flood issues along their access road into New Brighton State Park.

Item A) The plan does not adequately note that discharge of site runoff is to a natural channel on the property. Please note this prominently on sheet C1 and show the topography of both banks of the channel on this sheet.

Item B) The placement of the stabilized riprap drain outfall on lot 6 needs to be shifted further into the lot so as not to encroach on lot 5, otherwise an easement is required.

Item C) Please note on the plans provision for permanent bold markings at each inlet that read: "NO DUMPING - DRAINS TO BAY".

A recorded maintenance agreement may be required for certain stormwater facilities.

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$0.90 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

You may be eligible for fee credits for pre-existing impervious areas to be demolished. To be entitled for credits for pre-existing impervious areas, please submit documentation of permitted structures to establish eligibility. Documentation such as assessor's records, survey records, or other official records that will help establish and determine the dates they were built, the structure footprint, or to confirm if a building permit was previously issued is accepted.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 9

Because this application is incomplete in addressing County requirements, resulting revisions and additions will necessitate further review comment and possibly different or additional requirements.

All resubmittals shall be made through the Planning Department. Materials left with Public Works will not be processed or returned.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON AUGUST 15, 2006 BY DAVID W SIMS =====

===== UPDATED ON AUGUST 15, 2006 BY DAVID W SIMS =====

===== UPDATED ON DECEMBER 6, 2006 BY DAVID W SIMS =====

Prior Item A) Channel topography and notation added to plan sheet C1.

Prior Item B) Drainage outfalls shifted to avoid this issue.

Prior Item C) Note added to sheet C1.

New Item D) No notation is given for how the soil will be treated (compacted or native density) under and alongside the retention facilities. It is not clear that the available but rather limited permeability will be maintained. Please clarify.

New Item E) The Storage/Infiltration trench detail refers to the plan view for the gravel pack depth. Specific gravel depths could not be found on the plan, but pipe invert elevations were provided. Is it intended that gravel depth be placed equal to the outlet pipe invert, or is it allowed to be brought to within 8" of the finished ground surface? The difference is substantial at some locations. Please clarify.

New item F) The SE storage/infiltration trench is shown as an 8" pipe while the adjacent inlets note both a 4" and 12" connection. Please clarify.

New item G) The silt and grease trap is very deep and this will make inspection and maintenance difficult. Can this be improved?

New Item H) Note that the abandoned sewer pipe is also to be removed where it interferes with stormwater mitigation or drainage facilities.

New Item I) Sheet C1: Legend refers to a detail located on a separate sheet when it is found on the same sheet. Please revise.

New Item J) Stormdrain easement widths, locations, and labeling are not consistently shown between various sheets. Please make consistent.

New Item L) Section 3 of the Engineer's report states that the mapped soils have a permeability value of 0.6"/hr. This is only true of the surface layer. The Watsonville soil has much more restrictive sub-soil layers. This may affect the suitability of proposed mitigation methods that are installed within these subsoil layers. Please review.

The Engineer has responded to policy 7.23.3 in his submittal report. This application is not subject to this policy because the parcel is less than an acre.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 10

Full review of submitted calculations was not made because significant revisions are needed to meet design criteria. Please continue to make a complete submittal of relevant support materials with future routings.

Additional detailing may be needed with the improvement plans or the building application, but is not requested at this stage.

The proposal to provide a gravel surfaced access driveway is acceptable under the condition that the "Conditions of Approval" for the sub-division development require that this surface be permanently maintained as a porous surface and that it may not be replaced with impermeable surfacing in the future. If the applicant is not satisfied with the potential serviceability of this surface over time, other porous products should be considered. ===== UPDATED ON JULY 31, 2007 BY DAVID W SIMS =====

Prior Item A) Channel topography and notation added to plan sheet C1.

Prior Item B) Drainage outfalls shifted to avoid this issue.

Prior Item C) Note added to sheet C1

Prior Item D) Compaction is shown under the detention bed. Soil treatment at other mitigation measures has not been clarified. See prior comment.

Prior Item E) The gravel depth dimensions have been clarified for the Gravel Trench detail. Refer to comment item 1 for issues with entrapped water.

Prior item F) Pipe size notations resolved.

Prior item G) Depth of the silt and grease trap in the street was somewhat improved but remains rather deep.

Prior Item H) It appears that the sewer line crossing some of the stormdrain lines is now to be retained. Sheet TM-1 still notes the easement to be abandoned.

Prior Item I) Sheet C1: Legend revised

Prior Item J) Stormdrain easements have now been omitted entirely. Lots 2 and 3 appear to need them for the proposed configuration.

Prior item L) No additional comment - see prior.

New item M) Water will be trapped below the orifice elevation within the detention chambers/bed causing a loss of effective storage volume and stagnant water. This could be improved by lowering the entire orifice and outlet pipe with respect to the detention bed and with appropriate calculation adjustments for the change in orifice head. ===== UPDATED ON NOVEMBER 26, 2007 BY DAVID W SIMS =====
NO COMMENT

Dpw Road Engineering Completeness Comments

===== REVIEW ON AUGUST 14, 2006 BY GREG J MARTIN =====

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 11

The street frontage for the project is a cul-de-sac at the end of Abbey Road. The proposed internal private road shall serve six houses. The road is recommended to meet County Standards for an Urban Local Street with Parking. This requires two 12 foot travel lanes, 6 feet on each side for parking, and separated sidewalks on each side. The right-of-way requirement for this road section is 56 feet. Rolled curb is not recommended since it invariably results in vehicles parking on the sidewalk. An exception to the Urban Local Street with Parking standard is not recommended since the road serves more than 4 parcels. If an exception is granted that allows a road that does not meet County Standards, than access to Abbey Road should be through a driveway apron with curb, gutter, and sidewalk to complete the cul-de-sac.

----- The structural section shall be a minimum of 3 inches of asphalt concrete over 9 inches of aggregate base.

----- Exceptions to the County Standards for streets may be proposed by showing 1) a typical road section of the required standard on the plans crossed out, 2) the reason for the exception below, and 3) the proposed typical road section.

----- The back out space for each parking space is recommended to be a minimum of 24 feet. This requirement is not met for Lot 6.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON DECEMBER 11, 2006 BY GREG J MARTIN =====

Comments remain the same on the 2nd routing. In addition the road is recommended to be a separate parcel. ===== UPDATED ON JULY 27, 2007 BY GREG J MARTIN =====
1. The road providing access to the four parcels should meet County Standards for a Minimum Urban Local Street - Parking and Sidewalk One Side. This standard requires an exception. The right-of-way requirement for this road section is 40 feet. The section consists of two 12 foot travel lanes, 6 feet on one side for parking, 4 foot sidewalk on one side, and a 4 foot landscape strip. The remainder is 0.75 feet. The structural section shall be a minimum of 3 inches of asphalt concrete over 9 inches of aggregate base.

----- 2. A cul-de-sac turnaround is recommended; however, if the road is privately maintained a fire turnaround is satisfactory.

----- 3. The road and turnaround are recommended to be a separate parcel.

----- 4. Exceptions to the County Standards for streets may be proposed by showing 1) a typical road section of the required standard on the plans crossed out, 2) the reason for the exception below, and 3) the proposed typical road section. If an exception is granted that allows a road that does not meet County Standards, than access to Abbey

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 12

Road should be through a driveway apron with curb, gutter, and sidewalk to complete the cul-de-sac.

----- The back
out space for each parking space is recommended to be a minimum of 24 feet. Vehicles
using parking for Lot 4 are recommended to be able to turnaround.

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

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON AUGUST 14, 2006 BY GREG J MARTIN =====
===== UPDATED ON DECEMBER 11, 2006 BY GREG J MARTIN =====
===== UPDATED ON JULY 27, 2007 BY GREG J MARTIN =====

Dpw Sanitation Completeness Comments

===== REVIEW ON JULY 30, 2007 BY DIANE ROMEO ===== No. 4 Review Summary
Statement 06-0389, APN: 37-221-35 :

The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

Policy Compliance Items:

Item 1) This review notice is effective for one year from the issuance date 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.

Information Items:

Item 1) A complete engineered sewer plan, addressing all issues required by District staff and meeting County -Design Criteria- standards (unless a variance is allowed), is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

Show connection of proposed 8-inch public sewer main to existing manhole on t 3, replace proposed upstream clean out with man hole, remove intermediary clean outs from

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 13

proposed public sewer main, and show profile of new public sewer main. Locate new manhole in area not subject to parking and landscaping. any landscaping, fence or structures located in sewer easements is subject to removal in the event of repair or replacement. On sewer main profile, indicate areas subject to special provisions as required in Fig. SS-11. Provide 20-foot wide easement to the District on lot 3 for new sewer main connecting to existing manhole.

Note on plans which laterals will require backflow or overflow devices.

Remove note on Sheet TM-1 (tentative map) -10- sanitary sewer easement to be abandoned.-

Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvement prior to submission for building permits.

Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160.

Please see miscellaneous comments.

No. 5 Review Summary Statement 06-0389, APN: 37-221-35 :

The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF>

Policy Compliance Items:

Item 1) This review notice is effective for one year from the issuance date 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.

Information Items:

Item 1) A complete engineered sewer plan, addressing all issues required by District staff and meeting County -Design Criteria- standards (unless a variance is allowed), is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

Provide 20-foot wide easement to the District on lot 3 (easement as currently shown

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 06-0389
APN: 037-221-35

Date: April 15, 2008
Time: 14:47:18
Page: 14

is substandard) for new sewer main connecting to existing manhole and remove any proposed structure within easement areas. Vehicular access to the existing 10-foot wide easement and manhole at the rear of the property shall be maintained by a 10-foot wide all weather surface. Future property owner shall be informed of easement, sewer manhole and sewer located on lot 3 and ongoing requirement for vehicular access by District. In the event that a fence is placed across easement, a full width gate shall be provided for District vehicular access. Provide rolled curb or driveway depression for District access. Landscape plan shall show sewer easement and plantings shall reflect potential for removal/destruction during Districts annual flushing of sewer lines. No trees shall be allowed in the sewer easements and noted on landscape plan and future owner shall be informed of this restriction.

Show extent of slurry cap per Fig. SS-11 over sewer where there is less than 5 feet of cover.

Add current version of District General Notes.

Add note on demolition plan that septic system shall be abandoned per County requirements.

Remove note on Sheet TM-1 (tentative map) -10- sanitary sewer easement to be abandoned.- Add 20-foot wide easement between area to be dedicated for utilities and the existing 10 foot wide sewer easement. On Sheet C-3, maintain 5 feet of separation between the existing sewer main d proposed drainage pipe and structure. Relocate drainage inlet boxes on lots 3 and 4 outside of sewer easement.

Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvements.

There are no miscellaneous comments.

Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON JULY 30, 2007 BY DIANE ROMEO ===== Miscellaneous:

Item 1) Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal.

Any questions regarding the above Miscellaneous comments should be directed Diane Romeo of the Sanitation Engineering division at (831) 454-2160.



Santa Cruz County Sanitation District

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

THOMAS L. BOLICH, DISTRICT ENGINEER

May 16, 2006

COPY

ERIC HAMMER CONSTRUCTION
P.O. Box 471
Brookdale, CA 95007

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

APN: 037-221-35 APPLICATION NO.:
PARCEL ADDRESS: 6125 Abbey Road, Aptos, CA 95003
PROJECT DESCRIPTION: 6 SFD

Sewer service is available for the subject development upon completion of the following conditions. 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 sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.

Department of Public Works and District approval shall be obtained for an engineered sewer improvement plan, showing on-site and off-site sewers needed to provide service to each lot or unit proposed, before sewer connection permits can be issued. The improvement plan shall conform to the County's "Design Criteria" and shall also show any roads and easements. Existing and proposed easements shall be shown on any required Final Map. If a Final Map is not required, proof of recordation of existing or proposed easement is required.

EXHIBIT M

The applicant may be required to form a homeowners' association with ownership and maintenance responsibilities for all on-site sewers for this project; reference to homeowner's association shall be included on the Final Map and in the Association's recorded CC&R's which shall be recorded. Applicant shall provide a copy of said CC&R's to the District prior to the filing of the final map.

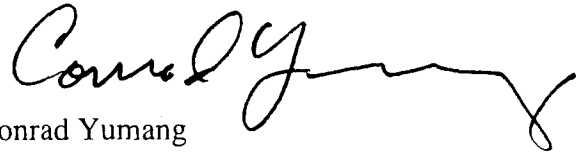
The plan shall show all existing and proposed plumbing fixtures on floor plans of building application. Completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.

Yours truly,

THOMAS L. BOLICH

District Engineer

By:



Conrad Yumang

Sanitation Engineering Staff

CAY:mh/100.wpd

(REV. 3-01)

EXHIBIT M

RI Engineering, Inc.



Civil Engineering

303 Potrero St., Suite 42-202
Santa Cruz, CA 95060
831-425-3901
831-425-1522 fax

richard@riengineering.com



Memorandum

To: Mr. Larry Kasparowitz
County of Santa Cruz
Planning Department

CC: Mike Bethke- Slater Construction, Mark Deming – County of Santa Cruz Planning Dept.

From: Richard Irish

Date: 1/29/2008

Re: Abbey Road Minor Land Division, APN 037-221-35 – Grading Quantities.

Larry,

This is a brief explanation of the expected grading quantities for the above note project. As shown on sheet C1 of our plans the earthwork quantities have been estimated as follows:

Excavation – 989 Cubic Yards

Earth fill - 319 Cubic Yards – (consisting of site excavated soils)

Net Earthwork- 670 Cubic Yards- (Excavation - to be hauled off site to a County approved location).

These numbers include all excavation and fill to complete the grading as shown on our Grading and Drainage plan including grading for building pads, roads and yards. They do not include earthwork for foundation construction.

In actuality there will be more than 319 cubic yards of fill due to over compaction of fill materials (this is typically in the 10% to 15% range). This will reduce the net earthwork by approximately 30 cubic yards to approximately 640 cubic yards.

We use the 2005 Version of Land Desktop a program developed by AutoCAD to calculate earthwork. This program compares existing ground to proposed finished ground to determine earthwork quantities.

We trust this addresses your question regarding earthwork quantities. Please feel free to give me a call if you have any questions.

EXHIBIT N

INTEROFFICE MEMO

APPLICATION NO: 06-0389 (second routing)

Date: July 27, 2007

To: Lawrence Kasparowitz, Project Planner

From: Urban Designer

Re: Design Review for a Minor Land Division at Abbey Road, Soquel

GENERAL PLAN / ZONING CODE ISSUES

Design Review Authority

13.11.040 Projects requiring design review.

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

Design Review Standards

13.11.072 Site design.

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

| | | | |
|--|---|--|-----|
| Siting and orientation which takes advantage of natural amenities | ✓ | | |
| Ridgeline protection | | | N/A |
| Views | | | |
| Protection of public viewshed | ✓ | | |
| Minimize impact on private views | ✓ | | |
| Safe and Functional Circulation | | | |
| Accessible to the disabled, pedestrians, bicycles and vehicles | ✓ | | |
| Solar Design and Access | | | |
| Reasonable protection for adjacent properties | ✓ | | |
| Reasonable protection for currently occupied buildings using a solar energy system | ✓ | | |
| Noise | | | |
| Reasonable protection for adjacent properties | ✓ | | |

13.11.073 Building design.

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

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



General and General Engineering Contractors
California Contractor's License #709778

The Honorable Gustavo Gonzalez, Chair
County Planning Commission
701 Ocean Street, Room 400
Santa Cruz, CA 95060

April 7, 2008

SUBJECT: Abbey Road Project - Application #06-0389 - APN: 037-221-35

Dear Mr. Gonzalez and Planning Commissioners,

On behalf of our client, Abbey Road Development LLC, I am submitting this letter to your Commission to outline our long standing concerns regarding the above noted project. We have not reviewed a staff report, or any recommended conditions of approval as of this date. However, we hope this letter – and attachments - are included in your staff report when it is completed and forwarded to your Commission for the anticipated public hearing on April 23rd. (We reserve the opportunity to provide subsequent comments for the staff report before and/or during the public hearing.)

We had hoped to secure an earlier hearing date, but as per the comments noted by the project planner (Larry Kasparowitz) in his e-mail dated March 3, 2008, we are evidently being rescheduled for the April 23rd date. [EXHIBIT A].

Apparently this delay has been done in retaliation against our clients because they have allegedly not yet completed an engineered drainage plan that is 100% in compliance with the nebulous specifications required by County staff. Please be advised that we are not contesting or questioning the need to provide adequate post-development storm water drainage for this project – or any project – we are questioning why is this issue currently compromising our client's DUE PROCESS rights to move forward with this Tentative Parcel Map application?

Given the fact that we are only petitioning for a review of a Tentative Parcel Map at this time, the County's very own Subdivision Regulations clearly spell out that only "preliminary engineered improvement plans for drainage, grading, sanitation, circulation and roadway improvement shall be submitted concurrently with the Tentative Map. The preliminary engineered improvement plans shall provide conceptual technical design information." (Section 14.01.207) (*emphasis added*) Please note that the two key operative words here are "preliminary" and "conceptual." [EXHIBIT B]

Upon careful review of the civil improvement plans prepared for this project by our licensed civil engineer (Richard Irish) I think your Commission – or any reasonable man/woman - would agree that we have more than adequately provided engineered improvement plans that are far beyond the requisite County standards of “preliminary” and/or “conceptual” for a Tentative Map.

Please be advised that had not County staff missed their opportunity to continue their ongoing comments for any alleged plan deficiencies during the last 30-day plan review period – October 25, 2007 through November 25, 2007 – this application would still be deemed “incomplete,” and our client would’ve been further denied their DUE PROCESS rights to have the Planning Commission review and take action on this application. Note my attached letter dated November 27th. [EXHIBIT C]

It is also interesting to note that the State Permit Streamlining Act further stipulates that when municipal agencies have deemed an application “complete” – in this case by default – and when it has been found to be exempt from the California Environmental Quality Act (CEQA) or a Negative Declaration is to be prepared, “... the public agency shall approve or deny the project within 60 days from the date of the determination or adoption.” (Section 65950, and Public Resources Code 21151.) [EXHIBIT D]

Absent a formal letter from planning staff to confirm the CEQA determination for this project, I ask your Commission to note my attached letter to the Asst. Planning Director (Mark Deming) dated January 28, 2008. If one were to use this date – as confirmation that this project has been deemed Categorical Exempt under CEQA - to start the statutory 60 day action period as prescribed above, then this application should have been brought before the Planning Commission by March 28th. (That was nine (9) days ago!!!) [EXHIBIT E]

Once again, it is our contention that our client’s DUE PROCESS rights to have this Tentative Parcel Map reviewed, and/or approved or denied, has been egregiously compromised due to the stated non-compliance with applicable State statutory timelines.

Given the relatively low density - four single-family residential units - proposed for this 40,336 square foot in-fill project site, with an existing house - we are more than sufficiently compliant with the both the General Plan (Urban Medium Residential) and Zoning (R-1-5) for this site. It should also be noted that we have already had three (3) separate meetings with the surrounding neighbors, and they were very happy with the previous six lot subdivision we had proposed, as well as the current four lot minor land division. (*The previous six lot subdivision was shot down because of the draconian road width requirement of 56 feet that was mandated by Public Works. The existing access road – Abbey Road – is only 22 feet wide curb to curb, with an overall Right-of-Way (ROW) of 40 feet. Apparently, Public Works’ staff feels that a five or six unit subdivision – with a cul-de-sac - should have the same dedicated ROW requirements as a 5,000 or 6,000 unit subdivision.*) [EXHIBIT F]

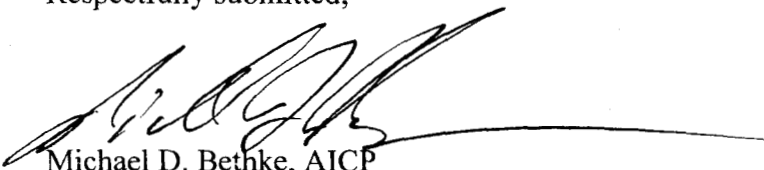
Another interesting side bar note is as follows: Our client had previously planned to sell five of the market rate homes in the previous six lot proposal for the moderate price of \$700,000/ \$800,000 per unit, and have one Habitat for Humanity home set aside that would have sold for approximately \$180,000. Now that we're reduced to only a four lot minor land division, the new proposed houses are now expected to be significantly upgraded, and be marketed for \$1.3/\$1.4 million. And there will NOT be an affordable Habitat unit any longer, only the payment of some paltry affordable housing *in lieu* fees. This must be one explanation as to why new housing is becoming more and more expensive in the unincorporated areas of Santa Cruz County, and why we're only seeing mega-mansions being built for the ultra rich!)

In conclusion, I personally felt obligated to inform your Commission of all the aforementioned background information regarding the Abbey Road project. I now simply ask that you give this client the ability to exercise their DUE PROCESS rights and proceed forward with an action plan for this application, and to finally allow them the opportunity to fully exhaust all of their administrative remedies.

Should your Commission elect to require that our project civil engineer fully comply with the infinitesimal drainage details that will hopefully, and finally, satisfy County staff, we therefore beg your indulgence at this time to simply make this effort a formal condition that shall be fulfilled upon approval and recordation of the Final Map, as required by County Code and the State Subdivision Map Act.

Thank you for your time and thoughtful consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael D. Bethke", with a long horizontal line extending to the right.

Michael D. Bethke, AICP
Vice President, Planning & Development

Cc: Supervisor Ellen Pirie
Abbey Road Development, LLC
ATTACHMENTS

Michael Bethke

From: Lawrence Kasparowitz [PLN795@co.santa-cruz.ca.us]
Sent: Monday, March 03, 2008 1:46 PM
To: michael@slattcon.com; e.hammer@sbcglobal.net
Subject: Abbey Road

If you would rather not make the changes to accommodate the revision required by the Drainage staff, I can rewrite my staff report for denial and send it to the Planning Commission on April 23rd.

Please let me know ASAP.

Lawrence Kasparowitz

Urban Designer
County of Santa Cruz
Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060
831-454-2676

EXHIBIT A

EXHIBIT P

Title 14 SUBDIVISION REGULATIONS

PART II. MAPS

14.01.207 Preliminary engineered improvement plans.

Preliminary engineered improvement plans for drainage, grading, sanitation, circulation and roadway improvement shall be submitted concurrently with the Tentative Map. The preliminary engineered improvement plans shall provide conceptual technical design information. The preliminary engineered improvement plans shall include all of the following, as applicable:

(a) Drainage

- (i) Show total tributary drainage area on a topograph map.
- (ii) Show location of existing drainage facility or proposed facility on the site (when it exists).
- (iii) Show location of downstream receiving drainage facility or proposed facility to an adequate outlet point or for a minimum distance of 500 feet.
- (iv) Calculated Q10 and Q100 of on-site facility and downstream facility with full buildout at present zoning.
- (v) Calculate capacity of proposed on-site facility and existing downstream drainage facility at appropriate points.

(b) Circulation

- (i) Points of ingress and egress.
 - (ii) Existing right-of-way (full street) and proposed right-of-way, utilizing guidelines as established by an approved plan line, or the County Design Criteria standards if a plan line does not exist.
 - (iii) Existing and proposed roadside improvements including full paved width, utilizing guidelines as established by an approved plan line, or the County Design criteria standards if a plan line does not exist. (Ord. 4189, 5/5/92)
 - (iv) Location of all existing utilities within right-of-way.
 - (v) Approximate distance between new road (if any) and existing nearest intersecting street.
 - (vi) Location of existing bus stops (if any).
 - (vii) Preliminary profiles of all roads.
 - (viii) Detailed entrance profiles and geometry.
 - (ix) Address sight distance and turning radius requirements per County Design Criteria and State CALTRANS STANDARD SPECIFICATIONS.
 - (x) Locations of all proposed streets.
- (d) Sanitation.
- (i) Proposed sewer lines (mains and laterals) necessary to service all parcels.
 - (ii) The location of proposed connection to the existing public sewers.
 - (iii) Elevations tied to project datum on an existing manhole (rim and invert). (Ord. 2093, 2/25/75; 2509, 11/22/77; 2800, 10/30/79; 4049, 1/23/90; 4189, 5/2/92)

[<< previous](#) | [next >>](#)

EXHIBIT B

EXHIBIT P



General and General Engineering Contractors
California Contractor's License #709778

COPY

Larry Kasparowitz, Project Planner
Planning Department
701 Ocean Street, Room 400
Santa Cruz, CA 95060

November 27, 2007

SUBJECT: Abbey Road Development Project - Application No. 06-0389

Dear Mr. Kasparowitz,

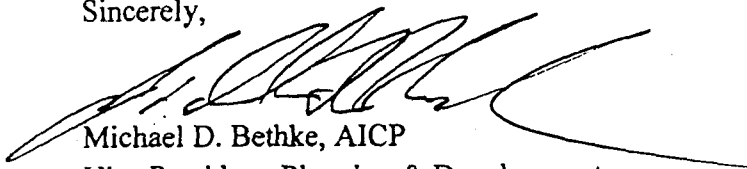
This letter is intended to follow up our last re-submittal of revised plans for the above noted project. As the date stamp on the attached transmittal denotes, this re-submittal was formally received by the Planning Department on October 25th. (see attached)

The statutory review period under the Permit Streamlining Act stipulates that municipal agencies have 30 calendar days to notify the applicant, in writing, of whether or not a project application is complete enough for processing. The re-submittal of an application begins a new 30 day review period. [Section 65920 et.seq.]

If a municipal agency fails to notify the applicant of the completeness of an application within said 30 day review periods, the application is thus deemed complete. [Section 65943; *Orsi v. City Council* (1990) 219 Cal. App. 3d 1576].

Consequently, since the 30 day review period for the last re-submittal ended on November 25th we are now respectfully asking you to deem this application complete, and to proceed on with the public hearing process. Thanks!

Sincerely,



Michael D. Bethke, AICP
Vice President, Planning & Development

Cc: Abbey Road Development, LLC
ATTACHMENT

EXHIBIT C

Public Notice and Land Use Planning: An Overview

II. Permit Streamlining Act

Reviewing the Permit Streamlining Act and its requirements will help to place the more specific requirements for public notice, circulation, and review into proper context. The Permit Streamlining Act (§65920 et. seq) requires public agencies (including charter cities per §65921) to follow standardized time limits and procedures for specified types of land use decisions. For the purposes of the Act, "development projects" applies only to adjudicatory approvals such as tentative maps, conditional use permits, and variances (*Landi v. County of Monterey* (1983) 139 Cal.App. 3d 934). Ministerial projects such as building permits, lot line adjustments, and certificates of compliance are not subject to the time limits established under the Act (*Findleton v. El Dorado Co. Board of Supervisors* (1993) 12 Cal. App. 4th 709).

The Permit Streamlining Act is reminiscent of a flashing light. It turns on when an application is submitted, off when accepted as complete and the environmental review (CEQA) process begins, and on again after the CEQA determination has been made (§65950).

Procedural Requirements:

All public agencies must establish one or more lists specifying, in detail, the information required from applicants for a development project (§65940). Upon receipt of a project application containing a statement identifying the application as being for a "development permit," an agency has **30 calendar days** to notify the applicant, in writing, of whether or not the project application is complete enough for processing. When rejected as incomplete, the agency must identify where deficiencies exist and how they can be remedied. The resubmittal of the application begins a new **30-day** review period. If the agency fails to notify the applicant of completeness within either of the 30-day periods, the application is deemed to be complete (§65943; *Orsi v. City Council* (1990) 219 Cal. App. 3d 1576). If rejected as incomplete a second time, the applicant may appeal the decision to jurisdiction's hearing body who must make a final written determination within **60 calendar days**. Again, failure to meet this time period constitutes acceptance of the application as complete.

Once complete and accepted, the agency then proceeds with the CEQA process, and the approval or denial of the project.

The Permit Streamlining Act includes time limit provisions for taking action on a project after the environmental determination is made. When an EIR is certified for a project, the public agency shall approve or deny the project within **180 days** from the date of certification. When a project is found to be exempt from CEQA or a negative declaration is adopted for a project, the public agency shall approve or deny the project within **60 days** from the date of the determination or adoption (§65950 and Public Resources Code §21151.5). If no action is taken within the allotted time, the project may be deemed approved by action of the Act.

An application can only be deemed approved as a result of failure to act if the requirements for public notice and review have been satisfied (§65965). Two options are available to an applicant to ensure that



General and General Engineering Contractors
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Mark Deming, Asst. Planning Director
Planning Department
701 Ocean Street, Room 400
Santa Cruz, CA 95060

January 28, 2008

COPY

SUBJECT: Abbey Road Development Project - Application No. 06-0389

Dear Mr. Deming,

This letter is intended to follow up the meeting we had last week to discuss the status of the above noted project.

It was agreed that due to the position stated in my letter dated November 27, 2007 this application has now been formally declared "complete." (see attached)

It was further agreed that since this project is only a minor land division (4 Lots), and does not involve any grading more than 1,000 cubic yards, this project can be deemed Categorically Exempt under CEQA. (see attached letter from Michele Richardson)

As requested, we are providing the attached letter from the project civil engineer (Richard Irish) that clearly states that the gross quantities of excavation during grading will be only 989 cubic yards, of which 319 cubic yards of said excavation will be used for on-site fill/recompaction. The remaining 670 cubic yards will simply be off-hauled to an approved disposal site.

It was finally agreed that staff can now move forward with the preparation of a staff report in anticipation of a formal Planning Commission hearing in late March or early April of this year.

Thank you very much for your attention and assistance in getting this project back on track.

Sincerely,



Michael D. Bethke, AICP
Vice President, Planning & Development

Cc: Larry Kasparowitz, Abbey Road Development LLC

ATTACHMENTS

EXHIBIT E

STANDARD PUBLIC STREET WIDTHS

URBAN COLLECTOR STREET WITH BIKE LANE AND PARKING ONE SIDE:

2-LANE STREET

| STANDARD SECTION | WIDTH REQ'D (FT) |
|---------------------|------------------|
| Travel lane (11.5') | 23.00 |
| Parking/bike (12') | 12.00 |
| Bike (5') | 5.00 |
| Landscape | |
| strip/curb (4.625') | 9.25 |
| Sidewalk (4') | 8.00 |
| Remainder | 2.75 |
| Required R/W (ft) | 60.00 |

URBAN LOCAL STREET WITH PARKING:

2-LANE STREET

| STANDARD SECTION | WIDTH REQ'D (FT) |
|---------------------|------------------|
| Travel lane (12') | 24.00 |
| Parking (6') | 12.00 |
| Landscape | |
| strip/curb (4.625') | 9.25 |
| Sidewalk (4') | 8.00 |
| Remainder | 2.75 |
| Required R/W (ft) | 56.00 |

MINIMUM URBAN LOCAL STREET - PARKING AND SIDEWALK ONE SIDE: (Requires an exception from the urban local street standard per County Code Section 15.10.050 (e) 6.)

2-LANE STREET

| STANDARD SECTION | WIDTH REQ'D(FT) |
|------------------------------|-----------------|
| Travel lane (12') | 24.00 |
| Parking (6') | 6.00 |
| Landscape | |
| strip/curb (4.625') | 4.63 |
| Sidewalk (4')/ curb (0.625') | 4.63 |
| Remainder | 0.75 |
| Required R/W (ft) | 40.00 |

EXHIBIT F