



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
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TOM BURNS, PLANNING DIRECTOR

August 11, 2008

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

Agenda Date: September 10

Item #: 7

Time: After 9 AM

APN: 025-391-01 etal

Subject: Application 08-0299

A request to extend the approved Tentative Map for Subdivision Tract 1472

Members of the Commission:

Project History

Application No. 96-0221 (Santa Cruz Gardens No. 12, Tract 1472) was approved by the Board of Supervisors on December 9, 2003. This permit created a subdivision for nine single-family lots and a remainder parcel to be dedicated for a biotic conservation easement. In addition, the permit changed the zoning of the parcel from "SU" (Special Use) to the "R-1-6" (Single-family Residential) zone district for the area to be subdivided and to the "PR" (Parks, Recreation and Open Space) zone district for the conservation easement parcel; and amended the General Plan land use designation of "Urban Low Residential" to "Resource Conservation" on that portion of the site to become the conservation easement parcel. The improvement plans, tentative map and landscape plans are included as Exhibit A and the original staff report to your Commission, dated January 29, 2003 is included as Exhibit F for project background information only.

The plans and tentative map have been reviewed and accepted by all reviewing agencies and County departments, with the exception of the Habitat Conservation Plan (HCP) required by the Conditions of Approval (Exhibit B). The HCP has been completed and has been accepted by the County of Santa Cruz, but the US Fish & Wildlife Service and the California Department of Fish & Game have not yet completed their review. After the HCP final draft has been approved by all parties, it is still required to be published in the Federal Register for 45 days, so it appears unlikely this could be completed prior to the current permit expiration date. Please refer to Conditions of Approval III.D.3.e, f and g and Condition IV.J for requirements for the Habitat Conservation Plan.

Permit Extension Process

County Code Section 18.10.133 (b) allows for the extension of a tentative map for a period or periods not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This

Applicant: Betty Cost for Planning and Permit Services
Owner: Porter Livingston Development
APN: 025-391-01, 401-01 & 02, 491-02
Agenda Date: September 24, 2008

mirrors the language in the Subdivision Map Act, Government Code Section 66452.6 (e). However, the California Legislature passed and the Governor signed Senate Bill 1185, which was emergency legislation to extend the life of certain tentative subdivision maps. This bill, which became law on July 14, 2008, extends the life of any tentative subdivision map that had not expired prior to that date and would otherwise expire before January 1, 2011 for an additional 12-months. Thus under state law, the tentative map may be extended for a period or periods to not exceed a total of six years from the date of original expiration.

County Code requires that requests to extend tentative maps be processed pursuant to Level VI (Planning Commission) review for subdivisions of five to nineteen lots. County Code Section 18.10.133(a) allows for the extension of Development Permits (in this case the Rezoning and General Plan Amendment) associated with a Tentative Map for the same period as the tentative map.

In the case of the tentative map for Permit 96-0221, the map would have originally expired on December 9, 2005. Two requests for extension (Permits 05-0604 and 06-0622) were approved by your Commission on December 14, 2005, and December 13, 2006 that established a new expiration date of December 9, 2006 and December 9, 2008 respectively. The applicant is now requesting the full six-year (total) extension to December 9, 2011, to allow for all required conditions of approval to be implemented prior to filing the final map. Unless further extended by the California Legislature, this will be the final extension available for this permit.

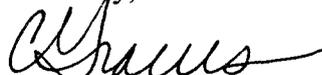
Environmental Reviews

Although the original subdivision approval was subject to environmental review and required an Environmental Impact Report and an addendum, the action to extend the tentative map is exempt because that action, in itself, has no potential to cause a physical change in the environment. A Notice of Exemption from the Environmental Quality Act is included as Exhibit D.

Staff Recommendation

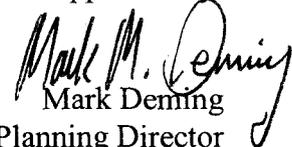
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0299**, extending the Tentative Map for Subdivision Tract 1472 to December 9, 2011, based on the findings (Exhibit C) and conditions (Exhibit B) for Permit 96-0221.

Sincerely,



Cathy Graves
Development Review Planner

Approved by:



Mark Deming
Assistant Planning Director

Applicant: Betty Cost for Planning and Permit Services

Owner: Porter Livingston Development

APN: 025-391-01, 401-01 & 02, 491-02

Agenda Date: September 24, 2008

Exhibits:

- A. Tentative Map for Tract 1472, undated, prepared by Robert L. DeWitt & Associates, Inc. (2 sheets)
- B. Conditions of Approval for Permit 96-0221
- C. Findings for Approval for Permit 96-0221
- D. Notice of Exemption from the California Environmental Quality Act
- E. Location, General Plan and Zoning Map
- F. Correspondence from applicant
- G. Staff report to the Planning Commission, January 29, 2003 (for project background only)

CONDITIONS OF APPROVAL

Santa Cruz Gardens #12 Subdivision

Subdivision Permit No. 96-0221

Tract No. 1472

Applicant and Property Owner: Porter-Livingston Development, Inc.

Assessor's Parcel No.: 25-391-01, 25-401-01 & -02 and 25-491-01

Property location and address Property located at the northern terminus of Benson Avenue 2,100 feet northeast from Thurber Lane in the Santa Cruz Gardens area of the Live Oak planning area.

Exhibits:

- A. Project Plans, including the Tentative Map and Preliminary Improvement Plans, prepared by Robert DeWitt and others all consisting of 21 sheets as follows:
- Sheet P1 – Title Sheet and Location Map, dated July 14, 2003
 - Sheet P2 – Aerial Photograph of Previous Plan, dated July 14, 2003
 - Sheet P3 – Aerial Photograph of Current Project dated July 14, 2003
 - Sheet P4 – Tentative Map, dated July 14, 2003
 - Sheet P4a – Fuel Reduction Zone Site Plan, dated July 14, 2003
 - Sheet P5 – Preliminary Grading and Drainage Plan View, dated July 14, 2003
 - Sheet P6 – Grading Cross-sections, dated July 14, 2003
 - Sheet P7 – Preliminary Street Design, Plan View and Cross-section, dated July 14, 2003
 - Sheet P8 – Preliminary Street Design, Cross-sections, dated July 14, 2003
 - Sheet L1 – Landscape Plan, July 9, 2003
 - Sheet S1 – Streetscape Elevation and Landscape Guidelines, December 19, 2002
 - Sheet A – Design Guidelines and Site Standard Calculations for the Residential Lots, dated January 16, 2003
 - Sheets A1 through A9 – Site Plan and Elevations for each of the 9 Residential Lots, dated December 10, 2002
- B. Exterior Materials and Colors for the Dwellings, dated December 7, 1999, prepared by G.L. Szabo and Associates
- C. Letter from Applicant and Property Owner, dated October 16, 2001, Voluntarily Dedicating the 56.4 acre Non-residential Parcel as a Biotic Conservation Easement
- D. Mitigation Monitoring and Reporting Program, dated January 2003, prepared by Cypress Environmental and Land Use Planning

CONDITIONS OF APPROVAL

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

- I. Prior to exercising any rights granted by this Approval, the owner shall sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
- II. EIR mitigation measures incorporated into the permit conditions are identified in italics type at the end of the permit condition that correspond to the measure. Each mitigation measure is identified by the number used to identify it in the MMRP (Exhibit D) for this project.
- III. A Final 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 Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:
 - A. The Parcel or Final Map shall be in general conformance with the approved tentative map and shall conform with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than Ten (10) total lots. Nine (9) shall be residential lots and one (1) lot shall be dedicated as a biotic conservation easement encompassing 56.4 acres, excepting the easements described in Condition III.D.d.
 - C. The minimum residential lot size shall be 8,849 square feet, net developable land.
 - D. The following items shall be shown on the Final Subdivision Map:
 1. Development envelopes and easements located according to the approved Tentative Map and sheets A1—A9 of Exhibit A.
 2. On lots containing less than 0.50 acre, show net area to nearest square foot. On lots containing 0.50 acre or more, show net area to nearest hundredth acre.
 3. The owner's certificate shall include:
 - a. An irrevocable offer of dedication to the County of Santa Cruz for the right-of-way and improvements noted on the attached Tentative Map. When the offer of dedication is accepted by the County, this

road is to be County maintained. Right-of-way width shall be 56 feet and road section width shall be 36 feet (from face of curb to face of curb).

- b. An easement for public use of the project access road shown on the attached tentative map, to expire when the offer of dedication is accepted by the County.
- c. An irrevocable offer of dedication to:
 - i) The property owner of the 56.4 acre biotic conservation easement/non-residential parcel for access across lot 9 as shown on the sheets P4 and A9 of Exhibit A.
 - ii) The County of Santa Cruz for the purpose of a biotic conservation easement on the south side yard of lot 8 and the rear yard of lot 9 as shown on sheets A8 and A9 of Exhibit A. This easement shall have the following restrictions:
 - ~ A 15 foot wide landscape/building restriction easement shall be placed on the south side yard of lot 8 (where it adjoins the protected Ohlone tiger beetle {OTB} habitat parcel) and the rear yard of lot 9. No buildings or ground disturbance shall occur within these easements other than ground disturbance required for planting. Landscaping shall be turf grass or other native grasses supplemented by low growing shrubs and at the edge of the easements adjoining the protected OTB habitat parcel. These shrubs shall be those species compatible with OTB habitat requirements.
 - ~ A split-rail fence of 5 feet or more in height shall be permanently placed along the edge of the easements that adjoin the protected OTB habitat parcel. The fencing shall include a bottom barrier to prevent adults OTBs from crossing through the fence into the yards. No other form of solid fencing shall ever be allowed within the either easement. (*Measure 2.b*)
- d. An irrevocable offer of dedication of a biotic conservation easement over the 56.4 non-residential parcel, excepting the drainage easement, emergency access road and V-ditches described in the Easement and Maintenance Agreement recorded in Volume 4704, Page 385 of the Official Records of Santa Cruz County, to the County of Santa Cruz as shown on the attached Tentative Map as proposed by the property owner/project applicant and as further described in Exhibit C. (*Measures 2.c and 3*)
- e. Conveyance of ownership of the 56.4 acre non-residential parcel described in condition III.D.3.d above to an endangered species management authority (ESMA) acceptable to the U.S. Fish and Wildlife (USFWS) and the California Department of Fish and Game (CDFG) without property payment costs to the ESMA as proposed by the property owner/project applicant and as further described in Exhibit C. (*Measure 2.c*)

- f. Written documentation that a final Habitat Conservation Plan, as described in condition III.1 below, has been approved by the USFWS for the 56.4 non-residential parcel described in conditions III.D.3.d and e above. (*Measure 2.c*)
 - g. Written documentation that an MOU or other form of agreement has been approved with the CDFG regarding protection of state listed plant species at the project site. (*Measure 2.c*)
 - h. A grant deed to the property owners of the lots created by this project, as shown on the tentative map, and the property owners of Santa Cruz Gardens Units #9, #10 and #11, an easement for the purposes of a secondary emergency access right-of-way across the biotic conservation easement parcel to connect the project cul-de-sac with upper Winkle Avenue.
 - i. A grant deed to the homeowners association of the residential lots created by this subdivision, an easement for purposes of maintenance of surface drainage facilities on lots 5-6 as shown on sheet P4 of Exhibit A.
- E. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots 1-9 created by this land division:
1. Lots shall be connected for water service to City of Santa Cruz Water Department.
 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
 3. All future construction on the lots shall conform to the design guidelines contained on sheet A10 of Exhibit A; the site plan and elevations shown on sheets A1 through A9 of Exhibit A for each of the 9 residential lots and the exterior materials and colors shown on Exhibit B. The design of the homes on Lots 3 through 8 may vary as long as the total floor area (in square feet), lot coverage, floor area ratio and height be as presented in Exhibit "A." Any request to modify the design on those homes shall be presented to the Planning Commission on their consent agenda. The Planning Commission shall evaluate the proposed changes and determine if they are sufficiently material to warrant a public hearing to consider the amendments. If not, the proposed changes may be approved on the Consent Agenda.
 4. The owner/applicant shall have a qualified geotechnical engineer conduct a lot-specific geotechnical evaluation of Lot 2 to determine appropriate foundation design (such as stepped foundation on a pier and grade beam design) to prevent excavation of slough soils adjacent to the existing oak arroyo. This measure shall be completed prior to submittal of construction drawings for a Building Permit application on this lot. (*Measure 8.a*)
 5. The owner/applicant shall have a qualified geotechnical engineer conduct a lot-specific geotechnical evaluation of Lot 3 to determine appropriate

foundation design (such as stepped foundation on a pier and grade beam design) to prevent excavation of slough soils adjacent to the existing oak arroyo OR increase the building setback to 25 feet from the break in slope as identified in the 1993 Johnson geologic report. The selected measures shall be completed prior to submittal of construction drawings for a Building Permit application. (*Measure 8.b*)

6. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.

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

- A. Pay the EIR filing fee of \$850.00 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- B. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- C. 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 residential parcel.
 2. Pay all necessary bonding, deposits, and connection fees.
- D. Submit and secure approval of engineered improvement plans from the Department of Public Works for all roads, curbs and gutters, sidewalks, storm drains, erosion control, street lighting, street trees and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
 1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.
 2. An erosion control plan for the subdivision and a landscape plan for areas designated on the attached Tentative Map shall be submitted for Planning Department review and approval prior to submittal to the Department of Public Works. Wherever irrigation for landscaping is required, stubouts for water service shall be shown on the improvement plans.
 3. Provide proof of legal access along any private road(s) (existing or proposed) to be used for primary or secondary access to the subdivision.
 4. Plans shall provide for construction of a secondary emergency access road as shown on the tentative map.

5. To prevent soil stability problems generated by uncontrolled drainage throughout the project site after development, the owner/applicant shall have a civil engineer design site specific drainage plans designed for 25-year storm levels to prevent concentration of runoff down adjacent slopes, especially in areas of identified debris slides and slumps, in order to protect adjacent proposed building sites, as planned. Drainage facilities shall include detention so that additional runoff from the lots west of the ridge will not exceed the runoff rate that would drain naturally east of the ridge into Rodeo Gulch. This shall be done as part of the engineered improvement plans for the subdivision. In addition, the project applicant shall provide lot owners with the information on avoiding drainage and uncontrolled water problems on hillside lots, as outlined in the 1993 Johnson report. (*Measure 8.c*)
 6. To prevent soil and foundation stability problems associated with constructing the subdivision improvements and the project dwellings, the applicant shall implement recommendations contained in the M. Jacobs and Associates soils report, dated January 11, 1993 (including grading, cut/fill slopes, and foundation designs standards) during construction of subdivision improvements. This shall be accomplished by having the engineered improvement plans for the subdivision reviewed and approved by the project geotechnical engineer prior to submittal of the improvement plans to the County and having the geotechnical engineer inspect the site during the construction of improvements. In addition, individual lot owners shall follow the applicable recommendations of the soil report in the preparation of construction drawings and during construction of the new homes. This shall be accomplished by review of plans and site inspections as described above. (*Measure 8.d*)
 7. Engineered drainage plans, designed to accommodate a 25-year storm event, shall be reviewed and approved by the Zone 5 drainage district. Appropriate fees for new impervious surface shall be paid. (*Measure 12*)
 8. 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.
 9. Acquire all rights-of-way and easements and make all dedications thereof as needed for construction of required improvements. Any and all costs incurred by the County of Santa Cruz to obtain title to any property in the event that condemnation proceedings are necessary to implement this condition, shall be paid in full by the applicant/subdivider prior to the recording of the Final Map.
 10. Two segments of the emergency access road as shown on sheet P4 of Exhibit A shall be paved with reinforced concrete over a 12 foot width.
 11. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
- E. Engineered improvement plans for all water line extensions required by the City of Santa Cruz Water Department shall be submitted for the review and approval of the water agency.

- F. An agreement for shared maintenance of roads and drainage facilities by owners of all residential lots in this land division shall be submitted and recorded with the Final Map.
- G. All requirements of the Central Fire District shall be met as set forth in the memo from District dated May 7, 1996. In regards to the 30 foot fuel reduction zone around dwelling, the requirements shall be implemented as described in the memo from Cypress Environmental and Land Use Planning to County Planning dated December 13, 2002. Implementation of the fuel reduction zone will avoid removal of sensitive plant species and oak trees (within the two forest habitats at the east and west edges of the residential lots). In providing for fire safety and protection, the owner/applicant will ensure that the development envelopes and dwelling locations and the associated 30 foot wide fire clearance area will not encroach on special status plant species, oak trees or landscaping planted for visual screening. (*Measure 6*)
- H. A Homeowner's Association shall be formed for maintenance of all areas under common ownership and easement and other areas dedicated to the association. The Homeowner's Association shall be responsible for:
1. Regular maintenance of the two landscape buffer easements that adjoin other residential parcels in Santa Cruz Gardens Units #9 and #10;
 2. Regular maintenance of the surface drainage system in the drainage easement on lots 6-8;
 3. Regular maintenance of the secondary emergency access road-as further described in the last paragraph of this condition below;
 4. Funding all maintenance activities of the 56.4 acre parcel after the 6 year implementation activities (funded by the project applicant) have been successfully completed. (*Measure 2.c.iv*); and
 5. Regular maintenance of the existing drainage pipe that will convey storm runoff from the residential lots to Rodeo Gulch. The above ground segment of this of this pipe shall be recoated according to Public Works specifications prior to recordation of the subdivision map.
 6. Acceptance and maintenance for the detention basin, **channels** and the V-ditch, as set forth in the Easement and Maintenance Agreement recorded in Volume 4704, Page 385 of the Official Records of Santa Cruz County, as further described in Condition IV.S.

Maintenance responsibilities shall be shared equally among all residential lots. The legal document (agreement) establishing the Homeowner's Association and describing its responsibilities shall be submitted to County Planning for review and approval prior to approval of the Final Map by the County Surveyor. The approved agreement shall be recorded simultaneously with recordation of the approved Final Map.

After realignment of the emergency access road, maintenance responsibilities of the roadway shall be shared equally among all residential lots of Unit 12.

- I. Submit for review the CC&Rs for the residential lots, which shall include the following:
 1. Specifying the maintenance responsibilities on common lots and easements by referencing and acknowledging the Homeowner's Maintenance Agreement described in condition IV. H above. A separate page entitled "Homeowner's Shared Maintenance Obligations" shall be located at the beginning of the CC&R's listing the maintenance responsibilities on common lots and easements as set forth in Condition IV. H., and referencing the location of those sections within the CC&R's, and including, in addition, a map depicting those areas subject to the maintenance responsibilities. The separate page and map required by this condition shall be submitted for review and approval by the Board of Supervisors prior to the approval of the Final Map.
 2. The design guidelines for the project as specified on sheet A10 of Exhibit A;
 3. The biotic conservation easements on lots 8 and 9 described in condition III.D.3.c.iv above;
 4. The restriction for the dwelling on lot 9 shall be specified as being limited to a maximum height of 17 feet above existing grade consistent with that shown on the Figure 9 (shadow study diagram) of the Initial Study to prevent shading of Ohlone tiger beetle habitat on the adjoining conservation easement parcel. (*Measure 2.b*)
 5. Non-native invasive plant species should not be used in any common buffer areas. Landscape standards should be developed for each lot and placed in deed restrictions. This should be done prior to recording the final map. Landscape standards shall be submitted to County Planning for review and approval to ensure they are in compliance with the Habitat Conservation Plan and other applicable mitigation measures described in this document. (*Measures 4.a and b*)
 6. Prohibit introduction of non-native invasive plant species within any portion of proposed lots (such as acacia, French or Scotch broom, eucalyptus, pampas grass), and prohibit introduction of any non-native species outside the development envelope. Prohibit pesticides or herbicides outside development envelopes. (*Measure 5.b*)
 7. Prohibit grading, placement of fill or pavement, or other construction activities within the dripline of oak trees (*Measure 7*)
 8. Prohibit obstruction of the secondary access road, including the parking of vehicles. "No Parking" signs shall be posted at the gated entrance of the emergency access road to help ensure that it will not be obstructed. (*Measure 15*)
 9. An acknowledgement that the 56.4 acre parcel subject to the conservation easement parcel is a separately owned parcel even though management activities are funded by the homeowners' association and the use of off-road vehicles, bicycles, and motorcycles is prohibited on this protected

land. In addition, a small aesthetically-pleasing sign shall be posted at the trail entrance to the preserved area which informs people of the prohibition of vehicular use. (*Measure 5.c*)

10. Provisions of the Habitat Conservation Plan described in condition IV.J below, pertaining to management and maintenance, financing and access restrictions for the biotic conservation parcel and landscaping requirements on the residential lots and any other homeowners responsibilities specified in that document.
- J. Approval of the final Habitat Conservation Plan (HCP) by the USFWS and CDFG which includes the following:
1. Specific mitigation for the Ohlone Tiger Beetle and site management strategies to maintain or enhance its habitat on site.
 2. Specific mitigation for the extant stand of Santa Cruz Tarplant. Management approaches included for this occurrence and specific performance criteria identified. Since, this species is state listed, a Memorandum of Understanding (MOU) shall be developed with the California Department of Fish and Game prior to implementation of plan activities.
 3. Specifying the 56.4 acre parcel excepting the easements described in Condition III. D. d, is to remain in open space and shall be placed under a biotic conservation easement as volunteered by the project proponent and that the land shall also be conveyed to an appropriate endangered species management authority (ESMA) as offered by the applicant. The ESMA shall be acceptable to the County, CDFG and USFWS for ownership and habitat management of the property. The conveyance of property to the ESMA shall occur simultaneously with recordation of the Final Map.
 4. The HCP shall include a chapter on fiscal support for habitat management. This fiscal support shall show the project proponent will be responsible for full funding of the implementation and management activities for the first 6 years of the plan or until the quantifiable performance objectives for the end of year 6 are met (whichever is longer) and that the homeowners' association will be responsible for perpetual funding support after the project proponent's funding responsibilities have ended. The amount of fiscal support shall be based on a qualified biologist/habitat manager's estimate of the funds required to carry out the activities prescribed in the HCP. The funding amounts shall be reviewed and approved by the County, CDFG and USFWS.
 5. The plan shall cross-reference other documents that specify homeowners' funding support of the HCP. This shall include the subdivision CC and Rs and homeowner's association maintenance agreement. The HCP shall describe homeowners' funding as equal annual assessments of each residential property owner within the subdivision.
 6. The HCP shall specify the maintenance requirements of the landscape easements on lots 8 and 9 described in condition III.D.3.c.iv. These requirements shall explain that development is restricted to walkways, the planting of non-invasive turf grass and a 5 foot average width drought

tolerant native herb and shrub landscape border of attractive plants that grow or are easily maintained at a height of no greater than 5 feet against the fence described in condition III.D.3.c.iv. Homeowners shall manage this area by maintaining the fence and lower barrier to exclude tiger beetles from entering the properties and providing a native transitional border which minimizes water, herbicide and pesticide use, runoff and the establishment of invasive weeds. This shall be accomplished by sloping and draining the back yards to the east away from the sensitive habitat; heavily mulching the landscaped area and drip irrigating to establish the native herbs and shrubs; aiming turf grass sprinklers away from the landscape border. Any non-native invasive plants that may occur in or near these lots (e.g. acacia, eucalyptus, French broom, pampas grass, bull thistle, wild raddish, poison hemlock, wild oat, ripgut brome, annual ryegrass, soft chess and rattlesnake grass) shall be removed .

7. The HCP shall be implemented by the owner/applicant in the manner approved by the USFWS and shall also contain the following requirement pertaining to construction of the subdivision:
A biologist knowledgeable of OTB shall conduct a pre-construction survey two weeks prior to construction start-up. A pre-construction conference will be held to identify the specific location for installation of orange ESA fencing, or preferably the actual chain link or wire mesh fence. A qualified biologist will monitor the site on a daily basis during grading and a weekly basis during exterior construction between April 15 and June 1 or later if adult beetles are seen on June 1. In that case, monitoring will continue for an additional 15 days until the last adult beetle is seen project was proposed
(Measures 2.c and 3 and 5.d)
- K. Park dedication in-lieu fees shall be paid for the 9 single-family dwelling units. On January 29, 2003 these fees were \$1,000/bedroom, but are subject to change.
(Measure 16)
- L. Transportation improvement fees shall be paid for 9 single-family dwelling units. On January 29, 2003 these fees were \$2,000 per unit, but are subject to change.
(Measure 17)
- M. Roadside improvement fees shall be paid for 9 single-family dwelling units. On January 29, 2003 these fees were \$2,000 per unit, but are subject to change.
(Measure 17)
- N. Child Care Development fees shall be paid for 9 single-family dwelling units. On January 29, 2003 these fees were \$109/bedroom, but are subject to change.
- O. Submit one reproducible copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- P. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by the version of Chapter 17.10 of the County Code in effect on April 9, 2002. The developer may satisfy the affordable obligation through one of the acceptable alternatives set forth in Chapter 17.10 of the County Code, as approved by the Planning Director. The affordable lot is shown as Lot 2 on Exhibit A.
- Q. Revise the landscape for the project (Sheet L1 of Exhibit A) to replace the

landscaping shown along the southern property line of Lot 2 with a dense hedge of evergreen shrubs which can grow to heights up to 12 feet.

- R. Submit a copy of a written agreement showing the ESMA, has agreed to take ownership and management responsibilities of the biotic conservation easement parcel.
- S. Upon the satisfaction of the two conditions listed below, the homeowners association required to be created for the Unit 12 Subdivision shall assume, and the Santa Cruz Gardens 10 and 11 Owners Association, Inc. (the "Association") shall be relieved of all responsibility for maintaining, repairing, and replacing the Emergency Access Road, the Detention Basin and the V-Ditches, as set forth in the Easement and Maintenance Agreement recorded in Volume 4707, Page 385 of the Official Records of Santa Cruz County (the "Original Agreement").
1. Condition One. The recordation of the Final Map for the Unit 12 Subdivision.
 2. Condition Two. Prior to the recordation of the Final Map for the unit 12 subdivision, the Association shall apply for and obtain approval of an minor variation to the land use approvals given Santa Cruz Gardens 10 and 11 by the County of Santa Cruz. The minor variation shall authorize the Association to execute and record an amendment to the Original Agreement to reflect this action of relieving the Association of any and all maintenance, repair, replacement and reconstruction responsibilities and to set forth the terms thereof. The effectiveness of the action relieving the Association under that amendment to the Original Agreement authorized by the minor variation shall be contingent upon the satisfaction of Condition One as stated above. The channels and detention basins will be inspected by a qualified contractor retained by Applicant once per year prior to October 15 and the result of that inspection submitted to the drainage division of the County Public Works Department.
- T. The applicant, prior to filing the final map, shall apply for a minor lot line adjustment with the Bagdasarian parcel, 025-271-19, to transfer approximately 1,600 square feet to Bagdasarian to correct a fence encroachment.
- V. Prior to site disturbance for and construction of subdivision improvements, the owner/applicant shall have the project botanist salvage and transplant Gairdner's yampah and substrate containing Santa Cruz tarplant seed bank from areas to be developed to areas to be dedicated as conservation (preservation) easement according to the most recent methods developed by the University of California. (*Measure 3*)
- VI. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.E. The construction of subdivision improvements shall also meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.

- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
- C. Prohibit grading, placement of fill or pavement, or other construction activities within the dripline of oak trees by specifying this requirement in the construction contract for subdivision improvements. Protect oaks over 8 inches dbh (diameter at breast height) along the eastern boundaries of Lots 2, 3 and 4 and along the western boundaries of Lots 4-7 from construction disturbance and/or soil compaction by the placement of a temporary fence or similar barrier (i.e., barbed-wire fencing) which encompasses the drip line of the tree. These fences shall be erected prior to construction and maintained throughout the construction phase to prevent damage by construction equipment. This requirement shall be specified in the construction contract for subdivision improvements. (*Measures 5.a and 7*)
- D. To prevent erosion of site soils during and after construction of subdivision improvements and individual dwellings, the project owner/applicant and individual lot owners shall implement the following measures during construction:
1. Placement of straw bales at the edge of slopes to prevent downslope movement of water and sediments during construction.
 2. Require implementation of additional measures to prevent erosion, including but not limited to:
 - i. Minimizing the amount of soil exposed at any one time;
 - ii. Careful stockpiling and covering of graded soils to prevent deposition of sediments or mud into drainages;
 - iii. Seeding and mulching disturbed surfaces and exposed soils immediately after construction is completed and prior to temporary cessation before commencement of the rainy season;
 - iv. Restricting grading during and protecting disturbed areas between October 15 and April 15 with appropriate erosion control measures, such as reseeded or covering disturbed areas with mulch (unless a winter operations approval is granted); and
 - v. Immediate revegetation with appropriate plant species that are compatible with surrounding vegetation. (*Measure 9*)
- E. To minimize construction related dust to insignificant levels the owner/applicant and the construction contractor shall implement construction practices that include the following measures:
1. Water exposed earth surfaces during clearing, excavation, grading, and construction activities at least two times a day—in late morning and at the end of the day and increase the frequency of watering if wind speeds exceed 15 miles per hour.

2. Cover stockpiles of debris, soil, and other windblown materials.
 3. Require haul trucks to use tarpaulins or other effective covers at all times.
 4. Require daily sweeping of adjacent streets during period of site grading.
 5. Initiate revegetation and erosion control immediately upon completion of grading and prior to the winter season as described outlined in condition D above. (*Measure 1*)
- F. To prevent erosion problems from occurring during construction, the owner/applicant or their General Contractor shall apply for and obtain an NPDES General Permit for Stormwater Discharges Associated with Construction Activities and develop and implement a Storm Water Pollution Prevention Plan (SWPPP), and comply with general conditions of the NPDES permit and specific conditions of the SWPPP. This shall be done prior to any grading or land alteration for the project. (*Measure 11*)
- G. To reduce the potential for pollution from construction activities, the project owner/applicant shall require the subdivision contractor to implement hazard and water quality control and protection measures during the construction of all subdivision improvements. These measures shall include the following:
1. Perform major vehicle maintenance, repair jobs and equipment washing off-site;
 2. Maintain all vehicles and equipment and inspect frequently for leaks;
 3. Clean up spilled dry materials immediately. Do not wash them away with water or bury them;
 4. Use only minimal water for dust control;
 5. Clean up liquid spills on paved or impermeable surfaces using dry cleanup methods (i.e, absorbent materials, cat litter, and/or rags);
 6. Clean up soils on dirt areas by removing and properly disposing of contaminated soil;
 7. Report significant spills to the appropriate spill response agencies;
 8. Store stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting;
 9. Properly store containers of paints, chemicals, solvents and other toxic materials in garages or sheds with double containment during rainy periods;
 10. Place dumpsters under roofs or cover them with plastic sheeting at the end of each work day and during rainy weather; and
 11. Wash out concrete mixers only in designated washout areas where the water will flow into settling ponds or onto stockpiles of aggregate base or sand located in a disturbed area. Whenever possible, recycle washout by pumping back into mixers for reuse. Never dispose of washout into the street, storm drains, drainage ditches, or streams.

These measures shall be specified in the construction contract for the subdivision improvements. The project applicant shall submit a copy of the construction contract to County Planning staff for review and approval prior to any grading or land alteration for the project (*Measure 10*)

- H. To minimize construction noise impacts to surrounding residential uses to insignificant levels, the owner/applicant shall require the subdivision contractor to implement the following:
- i. Limit the normal working day for construction activities between the hours of 8:00 A.M. and 6:00 P.M., Monday through Friday;
 - ii. Require use of Best Management Practices for noise control measures during project construction, as outlined below;
 - iii. Require use of appropriate mufflers, silencers, and noise control features for equipment;
 - iv. Prohibit vehicles and other gas or diesel powered equipment from unnecessary warming up, idling, and engine revving; and
 - v. Locate stationary construction equipment as far away from existing structures as feasible.

These requirements shall be specified in the construction contract, which shall be reviewed and approved by County Planning prior to any grading or land alteration of the site. (*Measure 14.a*)

- I. To further minimize construction noise impacts the owner/applicant shall implement the following actions in addition to those taken by the construction contractor:
1. Post a sign with wording clearly visible to views from upper Benson Avenue that informs residents of the name and phone number of the person designated by the applicant to address noise (and air quality) problems from project construction. This "disturbance coordinator" shall be required to investigate citizen complaints within 24 hours of receiving the complaint, contact the concerned party to explain how the problem has been addressed within 48 hours of the complaint, and maintain a log of all complaints and how they were resolved. The County Planning Department should be contacted in the event a complaint cannot be resolved; and
 2. Inspect the site at selected intervals during the construction period. These inspections will include monitoring the actions taken by the "disturbance coordinator." (*Measure 14.b*)
- J. 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.

- H. Construction of improvements shall comply with the requirements of the geologic report prepared in 1993 by Johnson (See condition IV.D.5), the geotechnical report, dated January 11, 1993, prepared by M. Jacobs and any additional recommendations of the current geologist/geotechnical engineer who has reviewed and approved the improvement plans for the project.
 - I. The geotechnical engineer/geologist shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical/geologic report.
 - J. All required off-site improvements shall be substantially complete to the satisfaction of the County Director of Public Works prior to the granting of occupancy for any new unit.
- VII. All future development on lots created by this subdivision shall comply with the requirements set forth in Conditions III.E.3-5, IV.G, IV.I.4-7, VI.C, VI.D, VI.E and VI.G above.
- VIII. The applicant shall accept and comply with the requirements for the transfer of funds for maintenance of facilities described in the Easement and Maintenance Agreement recorded in Vol. 4704, Page 385 of the Official Records of Santa Cruz County, pursuant to Paragraph 2 of the signed agreement included as Exhibit "1" to these conditions.
- IX. 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.
- X. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A.. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of this condition, or this development approval shall become null and void.

XI. MITIGATION MONITORING PROGRAM

The mitigation measures listed in Exhibit D have been incorporated into the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigations is hereby adopted as a condition of approval for this project. This monitoring program is specifically described following each mitigation measure listed in Exhibit D. The monitoring requirements listed in Exhibit D have the full force of any other condition of this permit. The purpose of this monitoring and reporting is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to Section 18.10.462 of the Santa Cruz County Code.

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 10-day appeal period. The Final Subdivision 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves, Principal Planner
Development Review Section

Attachment 1: Restatement and Amendment to Easement and Maintenance Agreement, dated October 20, 2003.

cc: County Surveyor

SUBDIVISION FINDINGS

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

The proposed division of land meets all requirements and conditions of the County Subdivision ordinance and the State Map Act in that the project meets all of the technical requirements of the Subdivision ordinance and upon rezoning from the "SU" (Special Use) to the "R-1-6" (Single-family Residential with a minimum lot size of 6,000 net square feet) zone district, as proposed, 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 in that this project, which creates 9 single-family residential parcels ranging in size from 8,849 net developable square feet to 17,834 net square feet is located in the "Urban Residential Low Density" land use designation which allows a density range of one dwelling per 6,050 - 9,900 square feet of net developable area. The land division also creates a separate 56.4 acre parcel to be placed under a biotic conservation easement to protect rare habitat and plant and animal species which occur on that land. The preservation of this part of the project site complies with the policies of subsection 5.1 of the General Plan to protect environmentally sensitive habitats.

The project is consistent with the applicable policies of Section 7 General Plan in that all public services and facilities can be provided at an acceptable level to the 9 residential lots. The land division is located on a local street (Benson Avenue) that extends 2,012 feet from a collector (Thurber Lane) and satisfactory access is provided to the 9 homes and the conservation easement parcel. The proposed land division is similar to the pattern and density of surrounding residential development, and the Planning Commission has made a policy interpretation that the limitation on ridgetop development stated in General Plan policy 8.6.6 does not apply to this project as redesigned to 9 lots because the redesign eliminated the proposed ridgetop lots that were highly visible from off-site views. The remaining 9 lots are only visible to the existing ridgetop homes on Tiffini Court and the area where the 9 lots are located is the only portion of the 58.5 acre parcel that does not contain significant environmental resources or constraints.

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

The 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 9 residential lots and the public facilities (roads, etc.) that serve them will be residential in nature. The lot sizes and dimensions meet the minimum dimensional standard for the "R-1-6" zone district where the

project is located and all yard setbacks will be consistent with zoning standards. The 56.4 acre parcel will not contain any development, except for an emergency access road and an existing detention basin. A right-of-way has been dedicated to allow vehicular access from Benson Avenue for biotic management and fire protection.

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

The site of the proposed residential division of land is physically suitable for the type and density of development in that the area of the parcel containing slopes equal to or exceeding 30% slopes and environmental resources have been excluded from the area to be developed. No challenging topography occurs on the remaining 2.1 acres to be developed. A geotechnical report prepared for the property concludes that the site is suitable for the land division. The proposed parcels offer a traditional arrangement and shape to insure development without the need for site standard exceptions or variances. No environmental constraints exist within the 2.1 acre development area which would prohibit or severely constrain development. The only environmental resource that occurs within the development area is 1 acre of marginal coastal terrace prairie habitat. Mitigation measures have been required in the approval of this project to mitigate for the loss of this habitat. The higher quality coastal terrace habitat on the site occurs on the 56.4 acre parcel to be preserved and placed under conservation easement.

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 project has been redesigned as a result of the preparation of an EIR and subsequent Initial Study for the project so that the original 21 lot with a common area parcel proposal has been changed to a 9 lot project with a separate parcel voluntarily placed under a biotic conservation easement. Therefore, the current design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife. All environmental impacts identified in the EIR (and restated in the Initial Study) can be mitigated to avoid or substantially reduce these impacts and these mitigation measures have been incorporated in the permit conditions for this project.

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 there are no hazardous conditions or substances on the parcel. The use of the 9 lots for normal residential purposes and the management of the conservation easement parcel to maintain and enhance biotic resources on the site are not activities that will create any health problems to the public.

7. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS, ACQUIRED BY THE PUBLIC AT LARGE, FOR ACCESS THROUGH, OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the proposed division of land and its improvements include two right-of-ways and an easement in the rear yard of lots 8 and 9. The right-of-way on the conservation easement parcel provides secondary emergency access to upper Winkle Avenue and is necessary for fire protection and safety. The access easement on lot 9 provides access to the biotic conservation easement parcel which is necessary to provide access for vehicles engaged in biotic management activities on the site and to provide fire protection to the higher elevated portions of this 56.4 acre parcel. A 15 foot wide easement on the rear yards of lots 8 and 9 provides protection to the adjoining Ohlone tiger beetle habitat on the conservation easement parcel. This easement restricts the type of landscaping that can occur so that it is the type of landscaping that is compatible with the life cycle and habitat needs of this federally listed endangered insect species. The right-of-ways and easements are shown on the tentative map and will be shown on the final subdivision map. The easement restrictions will also be described in the CC&Rs for the subdivision.

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 subdivision provides to the fullest extent possible, the ability to utilize passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. The Design Guidelines for the project homes include "dwelling should be oriented to maximize southern exposure and the effects of passive solar heating".

9. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines (Chapter 13.11) of the County Code in that the single-family lot design and density conforms to the existing land use pattern in the neighborhood and the public viewshed is protected by eliminating from development that portion of ridgetop that is visible from the Highway 1 scenic corridor and the remainder of the Santa Cruz Gardens area. The project utilizes a cluster design approach, as encouraged by subsection 13.11.072(h)(1), to protect the environmentally sensitive area of the project parcel. All homes will be located within development envelopes and driveways will be no wider than 18 feet to conserve land for usable outdoor space. The design of the individual homes will be compatible with each other in that they will all have attached garages that are recessed from the remainder of the house where possible; they will have similar roof pitches; they will have exteriors of either stucco or horizontal wood siding and earth tone exterior colors. The articulated building forms and use of gables and other building projections and details will provide a pleasing architectural style and ensure against anything resembling a bulky appearance.

REZONING FINDINGS:

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN.

Pursuant to adoption of a General Plan amendment to the "Resource Conservation" land use designation, changing the zoning of the 56.4 acre parcel to "PR" (Park, Recreation and Open Space) will provide the type of uses that are consistent with the purposes of a biotic conservation easement and the General Plan designation of "Resource Conservation." This zoning, in combination with the "Resource Conservation" designation will underscore the prohibition on development and the biotic preservation purpose of this parcel.

The rezoning of the 2.1 acre area to become 9 single-family residential lots to "R-1-6" (Single-family Residential with a 6,000 sq. ft. net minimum parcel size) is the zoning that best reflects the residential use for these 9 parcels, which range in size of net developable area from 8,849 square feet to 17,834 square feet. This zone district is consistent with the existing General Plan designation of "Urban Low Density Residential" for this site. This General Plan designation will be retained for the area encompassing the 9 residential lots.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND.

The rezoning of the 56.4 acre area to "PR" is appropriate for property to be placed in open space and where the use of utilities is either very low or not needed. The rezoning of the area to become the 9 residential lots and the street that serves them is appropriate for the level of the utility use and community service needs for this type of residential use. As this zoning is consistent with the General Plan designation on the site, the level of utility use and community service needs which these lots will generate has been envisioned by the General Plan when it was adopted in 1994. The new parcels will be served with electrical, natural gas and telephone service from private utility companies in the same manner as is currently provided to other adjoining parcels. These lots will not generate significant increased demands on fire, police or other community services.

3.
 - a) THE CHARACTER OF DEVELOPMENT IN THE AREA WHERE THE LAND IS LOCATED HAS CHANGED OR IS CHANGING TO SUCH A DEGREE THAT THE PUBLIC INTEREST WILL BE BETTER SERVED BY A DIFFERENT ZONE DISTRICT; OR,
 - b) THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED; OR,
 - c) THE PRESENT ZONING IS THE RESULT OF AN ERROR; OR,

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d) THE PRESENT ZONING IS INCONSISTENT WITH THE DESIGNATION SHOWN ON THE GENERAL PLAN.

Pursuant to the approval of the proposed General Plan amendment for the 56.4 acre parcel, a zoning of "PR" will better reflect the type of open space use that will occur on this parcel better than the present "SU" zoning. The owner's voluntary dedication of this land as a biotic conservation easement and subsequent conveyance of it to an endangered species management authority was not anticipated when the property was zoned "SU" and "RA." The "PR" zoning will benefit the public welfare by ensuring the permanent protection of this land in open space. Further, the specific use of the remaining 2.1 acres of this site was not clearly anticipated when that part of the property was zoned "SU." While the existing General Plan designation of "Urban Low Density Residential" anticipates one of several residential zonings, a zoning of "R-1-6" provides a clear understanding of site standards and uses allowable for residential lots of the size created by this project much better than the existing "SU" zoning.

CEQA Findings for the Santa Cruz Gardens #12 Subdivision and Rezoning Project

Introduction

The California Environmental Quality Act and County Environmental Review Guidelines require that when an EIR has been completed which for a project identifies one or more significant environmental effects for the project, the public agency shall not approve the project unless one or more of the following findings can be made:

1. Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified to the final EIR.
2. Such changes or alternations are with the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such agency or can and should be adopted.
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives, identified in the final EIR.

Use of a Previous EIR and Tiering with an Initial Study

The Final Environmental Impact Report for the Santa Cruz Gardens #12 project (EIR) includes the Draft and Final EIR dated February and October 1997 respectively. In addition, an Initial Study was prepared to supplement the information in the EIR for a project that was reduced in size from that evaluated in the EIR. The Initial Study was prepared according to CEQA Guidelines 15153. It has adequately determined that the evaluation of impacts and recommended mitigation measures in the 1997 EIR are adequate for the Environmental Review of this project as long as the information in the Initial Study is included as an Addendum to the EIR. The Initial Study concluded that the revision of the project from a proposal for 21 single-family residential lots with a 53 acre common open space parcel to the current proposal for 9 single-family residential lots with a 56.4 acre conservation easement parcel conveyed to an endangered species management authority for ownership and management does not generate any new impacts that were not discussed in the 1997 nor does it significantly exacerbate any of the impacts identified in the EIR. The Initial Study revises some of the mitigation measures as stated in the EIR to better address the circumstances of the new project; however, all mitigation measures, including those with revised wording, address impacts specified in the 1997 EIR.

Changes have been incorporated into the project or mitigations have been required as permit conditions which reduce all the identified impacts to levels of insignificance. Project revisions and/or mitigations are described below each impact listed on the following pages of these findings. All mitigation measures listed on the following pages have been incorporated into the project design or they have been made a condition of the project.

Impacts Identified in the EIR that Have Now Been Avoided or Reduced

No mitigation measures need to be adopted for the following impacts identified in the 1997 EIR because the revision of the project has avoided these impacts and therefore these impacts as stated in 1997 are no longer applicable to the project:

- Impact #4 - Grading inconsistent with County Ordinance,
- Impact #7 - Loss of 10 acres of coastal terrace prairie and Ohlone tiger beetle habitat
- Impact #8 - Indirect effect to remaining coastal terrace prairie habitat from alteration in site drainage from 21 homes and construction impacts
- Impact #10 - The top of ridge location of former lots 11-14 and their visibility to scenic corridor Highway 1
- Impact #11 - Significant alteration of a natural landform from proposed grading that would be visibly noticeable within a wide area.
- Impact #15 - The previous 21 lot subdivision would generate an expected 9 school age children that would need services of the Soquel Union School District

Previous EIR Impacts #7 and #8 were unavoidable adverse impacts of the previous project. The revised project avoids these types of impacts which could not have been fully mitigated.

EIR Impacts #1-3, 5, 6, 9, 12-14 & 16-17 remain as impacts with the revised project but at a reduced level of impact as compared with that described in the 1997 EIR. The remaining impacts can all be mitigated as described below. These impacts have been renumbered in the Initial Study and are referred to below according to their enumeration in the Initial Study.

How Each Impact is Mitigated to Avoid or Substantially Reduce Negative Effects

AIR QUALITY

Impact #1: Construction of the proposed project will result in a short-term, localized decrease in air quality due to dust generated during site preparation and construction, which is considered a potentially significant impact. The following mitigation measures will reduce the impact to a less-than-significant level.

Mitigation:

- 1: To minimize construction related dust to insignificant levels the owner/applicant and the construction contractor shall implement construction practices that include the following measures:
 - i. Water exposed earth surfaces during clearing, excavation, grading, and construction activities at least two times a day, in late morning and at the end of the day, and increase the frequency of watering if wind speeds exceed 15 miles per hour.
 - ii. Cover stockpiles of debris, soil, and other windblown materials.

- iii. Require haul trucks to use tarpaulins or other effective covers at all times.
- iv. Require daily sweeping of adjacent streets during period of site grading.
- v. Initiate revegetation and erosion control immediately upon completion of grading and prior to the winter season as described outlined in Mitigation Measure 9 below.

Finding: The mitigation measure above has been included in the permit conditions for this project.

BIOLOGICAL RESOURCES

Impact #2(a): Buildout of the earlier proposed 10 lot subdivision would have resulted in the direct take of Ohlone tiger beetle (OTB) habitat and individuals. The OTB is listed by the USFWS as an endangered species. Take of the OTB would require consultation with the USFWS and be considered a significant impact. This impact has been avoided by the applicant recently redesigning the project to delete Lot 10 and reconfiguring Lot 9 as shown in Figure 7.

Impact #2(b): Construction activities related to the 15 foot storm drain easement that runs along the western boundary of former Lots 9, 10, and possibly 8, could impact the OTB directly and indirectly. Additionally, the OTB may be adversely affected if the homes constructed were to create obstacles to sunlight falling on the OTB habitat. The addition of shading during the adult activity period would further reduce the amount of time that adults in the shaded portions of the site could be active, which would likely reduce population numbers of the OTB at the project site. Shading would also affect the activity of the foraging OTB larva and all of the entire invertebrate fauna including potential prey items of the OTB since they are all cold-blooded. In a worst-case scenario, OTB larvae living in shaded areas could starve before completing their development because they can't warm up enough to hunt, or due to diminished prey activity because the shading.

A 15 foot buffer setback from the existing barbed wire fence (see Figure 8) is required for ground disturbance (direct impacts), however, a greater distance will be required to avoid indirect impacts from shading of the area west of the fence. Shading analyses will be conducted showing shading patterns as would be created by 28 foot high dwellings on Lots 8 and 9 on December 21st (the shortest day and lowest-angle sun day of the year).

Impact #2(c): The Habitat Mitigation and Management Plan (HMP) was developed for a project with a 21 lot and a 12 lot alternative and does not address the current project. Modifications or additions should be made in order for this document to be applied to the current proposed project. This document was prepared prior to the submission of a proposed listing package to the U.S. Fish and Wildlife Service, and does not address specific mitigation for the Ohlone Tiger Beetle and site management strategies. The HMP, if implemented would result in a direct loss of habitat for the beetle, although low in quality. In addition, proposals to enhance coastal terrace prairie habitat may be in conflict with the habitat preference of the beetle (i.e., the retention of bare

compacted trails). This activity would also be considered a "take".

Additionally, the current version of the HMP does not flesh out specific mitigation for the extant stand of Santa Cruz Tarplant. This population appears to be declining due to the encroachment of a dense grass cover. Since the removal of grazing and hill slope sliding, the site may not competitively favor the tarplant.

Due to the status of the OTB and the rare occurrence of its habitat, direct and indirect impacts would be considered significant. These impacts could be reduced to less-than-significant through avoidance of impacts to OTB habitat and actual take of the OTB as guided by a USFWS approved Habitat Conservation Plan.

Mitigation:

2.a: To avoid loss of OTB and their habitat, a Habitat Conservation Plan (HCP) shall be prepared by a qualified biologist hired by the owner/applicant and approved by the USFWS prior to recordation of the subdivision map. The HCP shall be implemented by the owner/applicant in the manner approved by the USFWS and shall contain the following requirement. A biologist knowledgeable of OTB shall conduct a pre-construction survey two weeks prior to construction start-up. A pre-construction conference will be held to identify the specific location for installation of orange ESA fencing, or preferably the actual chain link or wire mesh fence. A qualified biologist will monitor the site on a daily basis during grading and a weekly basis during exterior construction between April 15 and June 1 or later if adult beetles are seen on June 1. In that case, monitoring will continue for an additional 15 days until the last adult beetle is seen. In addition, the project applicant shall redesign the project to remove proposed residential lots from the identified OTB habitat area. Alternative site designs to avoid removal of habitat were discussed with the applicant when the 10-lot variation of the project was proposed. The applicant selected the alternative that combines portions of former Lots 9 and 10 (see Figure 8) that lie east of the barbed wire fence and reconfigure the new Lot 9 with a longer street frontage, but with less depth than other proposed lots on the same side of the street. The most recent redesign of the project (Figure 7) shows this new lot layout. New Lot 9 is configured to not encroach into identified OTB habitat. In addition, the location and height of the proposed dwelling will not generate shadows on nearby habitat which was an indirect biological impact generated by the 10_lot version of this project. As required by County Planning Department staff, the applicant submitted a shadow study diagram showing shadow cast by the proposed structures on Lots 8 and 9 to cover a minimal area of habitat on December 21. This being the worse case situation since December 21st is the shortest day of the year and the sun is at its lowest angle. Additionally, rear yard fences behind Lots 8 and 9 will be restricted to a 5' high chain link or wire mesh fence and a bottom barrier to prevent adults OTBs from crossing through the fence into the yards.

2.b: To avoid direct and indirect impacts to the OTB from development on lots 8 and 9, the owner/applicant shall show on the revised tentative map and final subdivision map a 15 foot buffer setback from the existing barbed wire fence (see Figure 8) for ground disturbance. The 15 foot buffer setback will be recorded as a Conservation Easement in perpetuity with the County or the USFWS and monitored by the Conservation Easement manager. The use of the 15 foot setback shall be restricted to walkways, non-invasive turf grass (i.e. avoid Kikuyu grass

(Panisetum clandestinum) or crab grass (*Digitaria sanguinalis*) and a 5' average width drought tolerant native herb and shrub landscape border of attractive plants that grow or are easily maintained at a height of no greater than 5 feet against the fence described in 2. b (iii). Homeowner's shall manage this area by maintaining the fence and lower barrier to exclude tiger beetles from entering the properties and providing a native transitional border which minimizes water, herbicide and pesticide use, runoff and the establishment of invasive weeds. This shall be accomplished by sloping and draining the back yards to the east away from the sensitive habitat; heavily mulching the landscaped area and drip irrigating to establish the native herbs and shrubs; aiming turf grass sprinklers away from the landscape border. Recommended species include annual, summer and Lindley's varied lupines (*Lupinus nanus*, *L. fromosus*, *L. variicolor*), monkeyflowers (*Mimulus spp.*), sages (*Salvia spp.*), low growing blue blossom or ceanothus (*Ceanothus spp.*) buckwheat (*Erigonium spp.*), California fucia (*Epilbium canum*), Kelloggs' yampah (*Perideridia kelloggii*), California poppy (*Eschscholzia californica*), indian paintbrush (*Castilleja spp.*), owl's clover (*Castilleja desiflora*), sun cups (*Camissonia ovata*), blue dicks (*Dichelostemma capitatum*), purple needlegrass (*Nasella pulchra*) and other native bunch grasses, western rush (*Juncus occidentalis*), western bracken, sword and wood ferns (*Pteridium aquilinum*, *Polystichum spp.*, *Dryopteris arguta*). Any existing non-native invasive plants that may occur in or near these lots (e.g. acacia, eucalyptus, French broom, pampas grass, bull thistle, wild raddish, poison hemlock, wild oat, ripgut brome, annual ryegrass, soft chess and rattlesnake grass) shall be removed and prohibited from use in the landscape plan. The landscape plans for Lots 8 and 9 shall be prepared by a landscape architect experienced in native landscaping and approved by the County.

2.C: To avoid loss of OTB, the Santa Cruz tarplant and their habitat and comply with the federal and California Endangered Species Acts, the owner/applicant shall have a qualified biologist prepare a Habitat Conservation Plan (HCP) in consultation with and approval by CDFG and USFWS to address the current project and site conditions, specifically in regards to the Ohlone Tiger Beetle and Santa Cruz Tarplant. The areas of the plan that shall be enhanced and modified are:

- i. Specific mitigation for the Ohlone Tiger Beetle and site management strategies to maintain or enhance its habitat on site. A more detailed beetle mitigation plan shall be developed by a qualified expert.
- ii. Address and update specific mitigation for the extant stand of Santa Cruz Tarplant. Management approaches need to be developed for this occurrence and specific performance criteria identified. Since, this species is state listed, a Memorandum of Understanding (MOU) should be developed with the California Department of Fish and Game prior to implementation of plan activities. The draft plan shall be revised and submitted to USFWS, CDFG and County Planning for review and approval prior to public hearing on this project. The final plan shall be approved by USFWS and CDFG prior to recordation of the final subdivision map.
- iii. The HCP shall specify that the 56.4 acre parcel to remain in open space shall be placed under a biotic conservation easement as volunteered by the project proponent and that the land shall also be conveyed to an appropriate endangered species management authority (ESMA) as offered by the applicant. The ESMA shall be acceptable to the County, CDFG and USFWS for ownership

and habitat management of the property. The conveyance of property to the ESMA shall occur simultaneously with recordation of the final map.

iv. The HCP shall include a chapter on fiscal support for habitat management. This fiscal support shall show the project proponent will be responsible for full funding of the implementation and management activities for the first 6 years of the plan or until the quantifiable performance objectives for the end of year 6 are met (whichever is longer) and that the homeowners' association will be responsible for perpetual funding support after the project proponent's funding responsibilities have ended. The amount of fiscal support shall be based on a qualified biologist/habitat manager's estimate of the funds required to carry out the activities prescribed in the HCP. The funding amounts shall be reviewed and approved by the County, CDFG and USFWS.

v. The plan shall cross-reference other documents that specify homeowners' funding support of the HCP. This shall include the subdivision CC and Rs and homeowner's association maintenance agreement. The HCP shall describe homeowners' funding as equal annual assessments of each residential property owner within the subdivision.

Impact #3: Buildout of the project would result in the removal of 1+ acre(s) of coastal terrace prairie, a sensitive habitat type, and some occurrences of the special status species Gairdner's yampah associated with this habitat type. The Site 1 occurrence of Santa Cruz tarplant is located outside the proposed subdivision area as well as the majority of population of the Gairdner's yampah on the central and south-western slope. Scattered individuals of Gairdner's yampah have been observed in the areas of Lot 9; these individuals will be displaced by the current development proposal. The following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation:

3: To avoid loss of the highest quality coastal terrace prairie habitat and compensate for the loss of the remaining coastal terrace prairie habitat, the project shall salvage and transplant Gairdner's yampah and substrate containing Santa Cruz tarplant seed bank from areas to be developed to areas to be dedicated as conservation (preservation) easement according to the most recent methods developed by the University of California.

Impact #4: Planting nonnative species in the proposed lots may generate non-native colonization within the adjacent coastal terrace prairie. Proposed landscape designs for the buffer should be reviewed for compatibility with the preserve areas. The current plan calls for use of several nonnative species, some of which are prone to escape. This could result in the degradation of the sensitive coastal terrace prairie and would be considered a significant impact. The following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation:

4.a: To minimize the potential for non-native plants colonizing areas within the preserved coastal terrace prairie habitat, the project applicant shall record CC&Rs that state:

Non-native plant species should not be used in any common buffer areas.

4.b: Landscape standards should be developed for each lot and placed in deed restrictions. This should be done prior to recording the final map. Landscape standards shall be submitted to County Planning for review and approval to ensure they are in compliance with the Habitat Conservation and other applicable mitigation measures described in this document.

Impact #5: Project development could result in indirect damage to undisturbed special status species due to alteration of drainage, encroachment of non-native species, off-road vehicle use, and construction-related impacts, and thus result in ultimate degradation and/or loss of protected special status species and would be considered a significant impact. The following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation:

5.a: To prevent encroachment and indirect impacts on preserved coastal terrace prairie habitat during construction of subdivision improvements, the property owner shall require the construction contractor protect special status species outside the development areas during construction activities by marking and fencing protected areas and establishing buffer zones to ensure that sensitive resources are not damaged. Implement Mitigation Measures 5.1 and 17.1 (in the EIR) during construction to minimize erosion and dust. Implement Mitigation Measures 2.1 through 2.4 and 4.1 (in the EIR) to minimize the extent of grading and alteration of natural drainage.

5.b: To minimize the potential for the colonization of non-native plants within the preserved coastal terrace prairie from adjoining residential uses, the applicant shall record CC&Rs for the subdivision that prohibit introduction of nonnative invasive plant species within any portion of proposed lots (such as acacia, French or Scotch broom, eucalyptus, pampas grass), and prohibit introduction of any nonnative species outside the development envelope. Prohibit pesticides or herbicides outside development envelopes. These items could be specified in the CC&Rs for the subdivision.

5.c: To prevent damage to preserved coastal terrace prairie from vehicular use, the applicant shall record CC&Rs for the subdivision that acknowledges the 56.4 acre conservation easement parcel is a separately owned parcel even though management activities are funded by the homeowners' association and the use of off-road vehicles, bicycles, and motorcycles is prohibited on this protected land. This should be done prior to recoding the final map. In addition, a small aesthetically-pleasing sign should be posted at the trail entrance to the preserved area which informs people of the prohibition of vehicular use.

5.d: To compensate for the indirect impact on the preserved coastal terrace prairie habitat by increased human use and use by domesticated pets of the new project homes, the project applicant shall:

i. Implement the Habitat Conservation Plan prepared for the project by the Biotic Resources

Group for at least a 6 year period;

ii. Enter into a management agreement with CDFG pursuant to Section 2081 of the California Endangered Species Act; and

iii. Consult with the USFWS and comply with any requirements of that agency for protection of the Ohlone tiger beetle.

These items shall be commenced prior to recording the final map. In addition, the CC&Rs for the subdivision should require the homeowners to be responsible for the funding of the management and monitoring of the approved HCP directly after the project applicant's responsibilities have ceased.

Impact #6: The project site is located in an area considered to be a moderate to high fire hazard area. The Central Fire Protection District, which provides protection services to the Santa Cruz Gardens area, has indicated that a 30 foot area around structures should be cleared of highly flammable vegetation in such a fire hazard area. (A 100 foot wide fire clearance area is recommended for steep slopes.) Implementation of recommended vegetation clearance zones adjacent to structures could result in removal of special status species, oak trees and/or landscaping for visual screening. This is considered a potentially significant impact. Implementation of the following mitigation measures will reduce impacts to a less-than-significant level.

Mitigation:

6: To avoid removal of sensitive plant species and oak trees in providing for fire safety and protection, the owner/applicant shall design development envelopes and dwelling locations so that creation of a 30 foot wide fire clearance area will not encroach on special status plant species, oak trees or landscaping planted for visual screening. (A 100 foot wide fire clearance area is recommended for steep slopes.) Adherence to this measure shall be first demonstrated by the owner/applicant submitting a map to County Planning prior to public hearing that shows parcels, development envelopes, tree lines and delineation of fuel reduction zones. This map shall demonstrate how the design of the project and the required fuel reduction zone will not impact oak trees and special status plant species.

Impact #7: Coast live oak woodland occurs on the eastern and western slopes of the coastal terrace behind or within portions of Lots 2 through 6. Oak trees can be indirectly damaged if their roots are disturbed due to construction activities or soil compaction. Additionally, increased landscaping irrigation can saturate oak root zones which can result in increased oak root fungus and decay. In making its riparian corridor determination, the County Planning Department also indicated that construction, grading or other development activities must not be undertaken within the driplines of these oaks.

An oak grove is located along the eastern boundaries of proposed Lots 2 and 3. A separate grove extends into lots 4 - 6. Grading, site preparation and future home construction on the northeast portion of proposed Lots 2 and 3, the western portion of Lot 6 and the western and northern

portion of Lot 4, and the proposed emergency access road east of Lot 4 may damage undisturbed oak trees, including their root systems, due to potential soil disturbance and compaction from construction activities, including grading and filling, as well as introduction of landscaping and irrigation as part of future home construction. This is considered a significant impact.

Mitigation:

7: To protect coast live oaks proximate to proposed Lots 2_7 6, the project applicant/property owner shall implement the following measures:

i. Redesign development envelopes on Lots 2_6 to avoid encroachment of grading or development within the driplines of the two groves of existing oak trees, prior to public hearings on the project.

ii. Prohibit grading, placement of fill or pavement, or other construction activities within the dripline of oak trees by specifying this requirement in the construction contract for subdivision improvements and within the CC&R's for the subdivision.

iii. Protect oaks over 8 inches dbh (diameter at breast height) along the eastern boundaries of Lots 2, 3 and 4 and along the western boundaries of Lots 4-7 from construction disturbance and/or soil compaction by the placement of a temporary fence or similar barrier (i.e., barbed-wire fencing) which encompasses the drip line of the tree. These fences should be erected prior to construction and maintained throughout the construction phase to prevent damage by construction equipment. This requirement shall be specified in the construction contract for subdivision improvements.

Finding: The project has been revised to a 9 lot project to mitigate Impact 2(a). The mitigation measures above have been included in the permit conditions for this project to provide full mitigation of Impact 2(a) and the other biotic impacts stated above. The applicant has now prepared a Draft Habitat Conservation Plan (HCP) and submitted to the USFWS for review in accordance with the Endangered Species Act. Permit conditions will include having the applicant's Final HCP receive approval prior to creation of the approved lots.

GEOLOGY AND SOILS

Impact #8: Siting of structures (including roads) and improper drainage control near existing identified debris slides, soil slumps and areas of soil creep could result in settlement and damage to structures or roads. This potentially significant impact will be reduced to a less-than-significant level with implementation of the following mitigation measures:

Mitigation:

8.a: The owner/applicant shall have a qualified geotechnical engineer conduct a lot-specific geotechnical evaluation of Lot 2 to determine appropriate foundation design (such as stepped foundation on a pier and grade beam design) to prevent excavation of slough soils adjacent to the

existing oak arroyo. This measure shall be completed prior to submittal of construction drawings for a Building Permit application.

8.b: The owner/applicant shall have a qualified geotechnical engineer conduct a lot-specific geotechnical evaluation of Lot 3 to determine appropriate foundation design (such as stepped foundation on a pier and grade beam design) to prevent excavation of slough soils adjacent to the existing oak arroyo OR increase the building setback to 25 feet from the break in slope as identified in the 1993 Johnson geologic report. The selected measures shall be completed prior to submittal of construction drawings for a Building Permit application.

8.c: To prevent soil stability problems generated by uncontrolled drainage throughout the project site after development, the owner/applicant shall have a civil engineer design site specific drainage plans designed for 25 year storm levels to prevent concentration of runoff down adjacent slopes, especially in areas of identified debris slides and slumps, in order to protect adjacent proposed building sites, as planned. This shall be done as part of the engineered improvement plans for the subdivision. In addition, the project applicant shall provide lot owners with the information on avoiding drainage and uncontrolled water problems on hillside lots, as outlined in the 1993 Johnson report.

8.d: To prevent soil and foundation stability problems associated with constructing the subdivision improvements and the project dwellings, the applicant shall implement recommendations contained in the M. Jacobs and Associates soils report, dated January 11, 1993, (including grading, cut/fill slopes, and foundation designs standards) during construction of subdivision improvements. This shall be accomplished by having the engineered improvement plans for the subdivision reviewed and approved by the project geotechnical engineer prior to submittal of the improvement plans to the County and having the geotechnical engineer inspect the site during the construction of improvements. In addition, individual lot owners shall follow the applicable recommendations of the soil report in the preparation of construction drawings and during construction of the new homes. This shall be accomplished by review of plans and site inspections as described above.

Impact #9: Onsite soils are rated as being moderately erosive, and the sloping terrain and underlying impervious hardpan layer may contribute to erosion rates. Grading and the associated removal of vegetation and alteration of landforms could result in erosion and increased sedimentation, if not properly controlled. The following mitigation measures will reduce this potentially significant impact to a less-than-significant level.

Mitigation:

9: To prevent erosion of site soils during and after construction of subdivision improvements and individual dwellings, the project owner/applicant and individual lot owners shall implement the following measures during construction:

i. Placement of straw bales at the edge of slopes to prevent downslope movement of water and sediments during construction.

ii. Require implementation of additional measures to prevent erosion, including but not limited to:

- ~ minimizing the amount of soil exposed at any one time;
- ~ careful stockpiling and covering of graded soils to prevent deposition of sediments or mud into drainages;
- ~ seeding and mulching disturbed surfaces and exposed soils immediately after construction is completed and prior to temporary cessation before commencement of the rainy season;
- ~ restricting grading during and protecting disturbed areas between October 15 and April 15 with appropriate erosion control measures, such as reseeding or covering disturbed areas with mulch (unless a winter operations approval is granted); and
- ~ immediate revegetation with appropriate plant species that are compatible with surrounding vegetation.

Finding: The mitigation measures above have been included in the permit conditions for this project.

HAZARDS AND HAZARDOUS MATERIALS

Impact #10: Construction of the project may result in a temporary increase in non-point source pollutants from the use of heavy equipment and construction vehicles. The proposed project may result in potential exposure of people to toxic materials due to the proximity of residences.

Site development will involve construction work including the use of toxic materials (e.g. paint, fuel, motor oil, etc.) in relatively small containers for mobility and use in short-term situations. Toxic materials, such as gasoline or diesel fuel, may be present in slightly larger amounts in equipment and vehicle tanks. The following mitigation measure will ensure that the risk of reasonably foreseeable upset and accident is minimized so that potential impacts are reduced to less-than-significant.

Mitigation:

10: To reduce the potential for pollution from construction activities, the project owner/applicant shall require the subdivision contractor to implement hazard and water quality control and protection measures during the construction of all subdivision improvements. These measures shall include the following:

- i. Perform major vehicle maintenance, repair jobs and equipment washing off-site.
- ii. Maintain all vehicles and equipment and inspect frequently for leaks.

- iii. Clean up spilled dry materials immediately. Do not wash them away with water or bury them.
- iv. Use only minimal water for dust control.
- v. Clean up liquid spills on paved or impermeable surfaces using dry cleanup methods (i.e., absorbent materials, cat litter, and/or rags).
- vi. Clean up soils on dirt areas by removing and properly disposing of contaminated soil.
- vii. Report significant spills to the appropriate spill response agencies.
- viii. Store stockpiled materials, wastes, containers and dumpsters under a temporary roof or secured plastic sheeting.
- ix. Properly store containers of paints, chemicals, solvents and other toxic materials in garages or sheds with double containment during rainy periods.
- x. Place dumpsters under roofs or cover them with plastic sheeting at the end of each workday and during rainy weather.
- xi. Wash out concrete mixers only in designated wash-out areas where the water will flow into settling ponds or onto stockpiles of aggregate base or sand located in a disturbed area. Whenever possible, recycle washout by pumping back into mixers for reuse. Never dispose of washout into the street, storm drains, drainage ditches, or streams.

These measures shall be specified in the construction contract for the subdivision improvements. The project applicant shall submit a copy of the construction contract to County Planning staff for review and approval prior to any grading or land alteration for the project.

Finding: The mitigation measure above has been included in the permit conditions for this project.

HYDROLOGY AND WATER QUALITY

Impact #11: Construction-related activities could result in increases in erosion, sedimentation, and downstream water quality degradation due to removal of vegetation and grading associated with construction of roads and building pads. The potential for erosion will be greatest during the construction phase when roads are built and building sites cleared, if appropriate erosion control measures are not utilized. The following mitigation measures, in addition to mitigation measures 9 in Geology and Soils (above), will ensure that potential impacts from erosion are reduced to a less-than-significant level.

Mitigation:

11: To prevent erosion problems from occurring during construction, the owner/applicant or their General Contractor shall apply for and obtain an NPDES General Permit for Stormwater Discharges Associated with Construction Activities and develop and implement a Storm Water Pollution Prevention Plan (SWPPP), and comply with general conditions of the NPDES permit and specific conditions of the SWPPP. This shall be done prior to any grading or land alteration for the project.

Impact #12: Construction of buildings and paved areas would increase the volume and rate of runoff from the site, which could potentially exceed capacities of existing drainage systems, and exacerbate local flooding in the Thurber Lane area. According to the applicant, runoff from all lots would be oriented toward the extension of Benson Avenue. Details for yard and curb storm drain inlet and sediment traps are shown on the proposed Tentative Subdivision Map. The proposed drainage plan is designed to accommodate a 10 year reoccurrence interval storm event. County Public Works has recently required that drainage plans be designed to accommodate a 25 year storm event. Drainage plans designed to a 10 year storm have resulted in more frequent localized flooding. This is considered a potentially significant impact. The following mitigation measure will ensure that potential impacts from erosion are reduced to a less-than-significant level.

Mitigation:

12: To accommodate and effectively control storm runoff generated by project improvements, the owner/applicant shall have the drainage plan redesigned to accommodate a 25 year storm event and submitted to the County Department of Public Works for review and approval, prior to recordation of the final subdivision map.

Finding: The mitigation measure above has been included in the permit conditions for this project.

LAND USE AND PLANNING

Impact #13: Removal of the current temporary open space easement, as proposed by the project, could result in damage and/or loss of rare and locally unique plant species on a portion of the site. Such lack of protection of sensitive plant species is inconsistent with the County's Sensitive Habitat Protection Ordinance (County Code Chapter 16.32). The project includes a rezoning from the "SU" Special Use district to the "R-1-6" Single-Family Residential district (with a minimum parcel size of 6,000 square feet). The project proposal includes cancellation of a temporary open space easement that was a condition of approval of Development Permit #88-0081 for Santa Cruz Gardens Unit #11.

Due to the presence of rare and special-status species, as described in the Biological Resources section (above), removal of the conservation easement could result in significant impacts to

environmental conditions on the site. These impacts can be reduced to less-than-significant through implementation of the following mitigation measure.

Mitigation:

13: In order to permanently protect sensitive plant species in accordance with chapter 16.32 of the County Code, the project applicant shall implement mitigation measures 2a, 2c, 3, 4b, 5c and 5d.

Finding: The mitigation measure above has been included in the permit conditions for this project.

NOISE

Impact #14: Noise generated from project construction activities is expected to generate temporary noise affecting adjoining residence on Tiffany Court and Benson Avenue at levels exceeding residential noise standards prescribed by the General Plan.

Operation of heavy machinery used in grading would be the primary source of noise during project construction. These effects would last the duration of site preparation on any given lot. Construction would generate noise of varying intensity and duration, depending on the particular task (i.e. foundation versus framing versus finish work). Noise levels, therefore, would vary throughout the construction process.

It is anticipated that construction-related noise would result in temporary conflicts with exterior noise standards for residential development and community response to the associated noise may result during the course of the construction. Implementation of the following mitigation measures will reduce the impact to a less-than-significant level.

Mitigation:

14.a: To minimize construction noise impacts to surrounding residential uses to insignificant levels, the owner/applicant shall require the subdivision contractor to implement the following:

- i. Limit the normal working day for construction activities between the hours of 8:00am and 6:00pm, Monday through Friday.
- ii. Require use of Best Management Practices for noise-control measures during project construction, as outlined below.
- iii. Require use of appropriate mufflers, silencers, and noise control features for equipment;
- iv. Prohibit vehicles and other gas or diesel-powered equipment from unnecessary warming up, idling, and engine revving;
- v. Locate stationary construction equipment as far away from existing structures as feasible.

These requirements shall be specified in the construction contract, which shall be reviewed and approved by County Planning prior to any grading or land alteration of the site.

14.b: To further minimize construction noise impacts the owner/applicant shall implement the following actions in addition to those taken by the construction contractor:

- i. Post a sign with wording clearly visible to views from upper Benson Avenue that informs residents of the name and phone number of the person designated by the applicant to address noise (and air quality) problems from project construction. This "disturbance coordinator" shall be required to investigate citizen complaints within 24 hours of receiving the complaint, contact the concerned party to explain how the problem has been addressed within 48 hours of the complaint, and maintain a log of all complaints and how they were resolved. The County Planning Department should be contacted in the event a complaint cannot be resolved.
- ii. Inspect the site at selected intervals during the construction period. These inspections will include monitoring the actions taken by the "disturbance coordinator."

Finding: The mitigation measures above have been included in the permit conditions for this project.

PUBLIC SERVICES

Impact #15: Build-out of the proposed project would incrementally increase the need for fire protection services, but would not result in the need for additional staff, equipment, and/or facilities to maintain acceptable response times, and thus is a less-than-significant impact. However, the parking of vehicles or other means of obstruction of the emergency access road (east of Lot 4) could pose a significant risk in the event of an emergency. This is considered a potentially significant impact. The following mitigation measure will ensure that potential impacts from erosion are reduced to a less-than-significant level.

Mitigation:

15: As required by Uniform Fire Code, the owner/applicant and the subsequent owner of Lot 4 shall prohibit obstruction of the emergency access road that traverses Lot 4, including the parking of vehicles. "No Parking" signs shall be posted on the emergency access road to help ensure that it will not be obstructed. (This measure is no longer needed. See the finding below)

Finding: The project has been revised to separate the emergency access road from any residential lot in the project thereby avoiding the impact stated above.

Impact #16: The additional 25 residents expected to live in the new project dwellings will generate additional use of local parks in an area of the county (Live Oak) which has a deficit of park land compared to it's current population. The people living in the 9 single-family homes

proposed by the project will incrementally increase the demand for park space and services. This will contribute to the cumulative impact of a deficit of parkland to meet the needs of residents within the Live Oak planning area. Payment of the County's park in-lieu fee would mitigate this impact. In May 2002 this fee for single-family dwellings in the Live Oak planning area was \$1,000/bedroom. The fee is required by County Ordinance.

Mitigation:

16: To reduce the project's contribution to a cumulative parkland/resident deficit in the Live Oak planning area, each lot owner shall pay the appropriate park impact fee as specified by County Code prior to issuance of a Building Permit for construction on the lot. The County should deposit all funds collected for this purpose in the budget specified for parkland acquisition and park improvements within the Live Oak planning area.

Finding: The mitigation measure above has been included in the permit conditions for this project.

TRANSPORTATION AND TRAFFIC

Impact #17: The 90 vehicle trips/day generated by the project will contribute to cumulative traffic in the Mid-county area which creates congestion at many intersections during peak hours. The project will add 9 single-family lots to the area. Normally this would not be considered a significant contribution to area traffic volumes. However, the Mid-county area has experienced a substantial increase in vehicular traffic on arterial roadways since release of the RDEIR in 1997. The project's 90 trips/day would contribute to exacerbating traffic congestion at several arterial road segments and intersections during peak hours. The County Code specifies a roadway impact fee and roadside impact fee for new dwellings constructed in the Live Oak area. In May 2002 these fees for the Live Oak planning area were \$2,000/single-family unit for roadway and \$2,000/unit for roadside improvements. Payment of these two fees would be an appropriate mitigation since it requires each new homeowner to fund the cost to help mitigate the impact generated by each lot in a manner that is proportional to the level of impact being generated by each new lot. This potentially significant impact will be reduced to a less than significant level impact with implementation of the following mitigation measure.

Mitigation:

17: To reduce the project's contribution to cumulative traffic congestion in the Mid-county area, each lot owner shall pay the appropriate roadway and roadside impact fees as specified by County Code (and fee schedule) prior to issuance of a Building Permit for construction on the lot. The County should deposit all funds collected for these purposes into the two budgets specified for roadway and roadside improvements within the Live Oak planning area.

Finding: The mitigation measure above has been included in the permit conditions for this project

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 08-0299

Assessor Parcel Number: 025-391-01, 401-01 & 02, 591-01

Project Location: The northern end of Benson Avenue north of the intersection with Tiffani Court, Santa Cruz.

Project Description: Extend the approved Tentative Map for Subdivision Tract 1472

Person or Agency Proposing Project: Betty Cost Planning & Permit Services

Contact Phone Number: (831) 425-6522

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

Specify type:

- E. **Categorical Exemption**

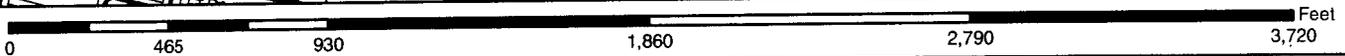
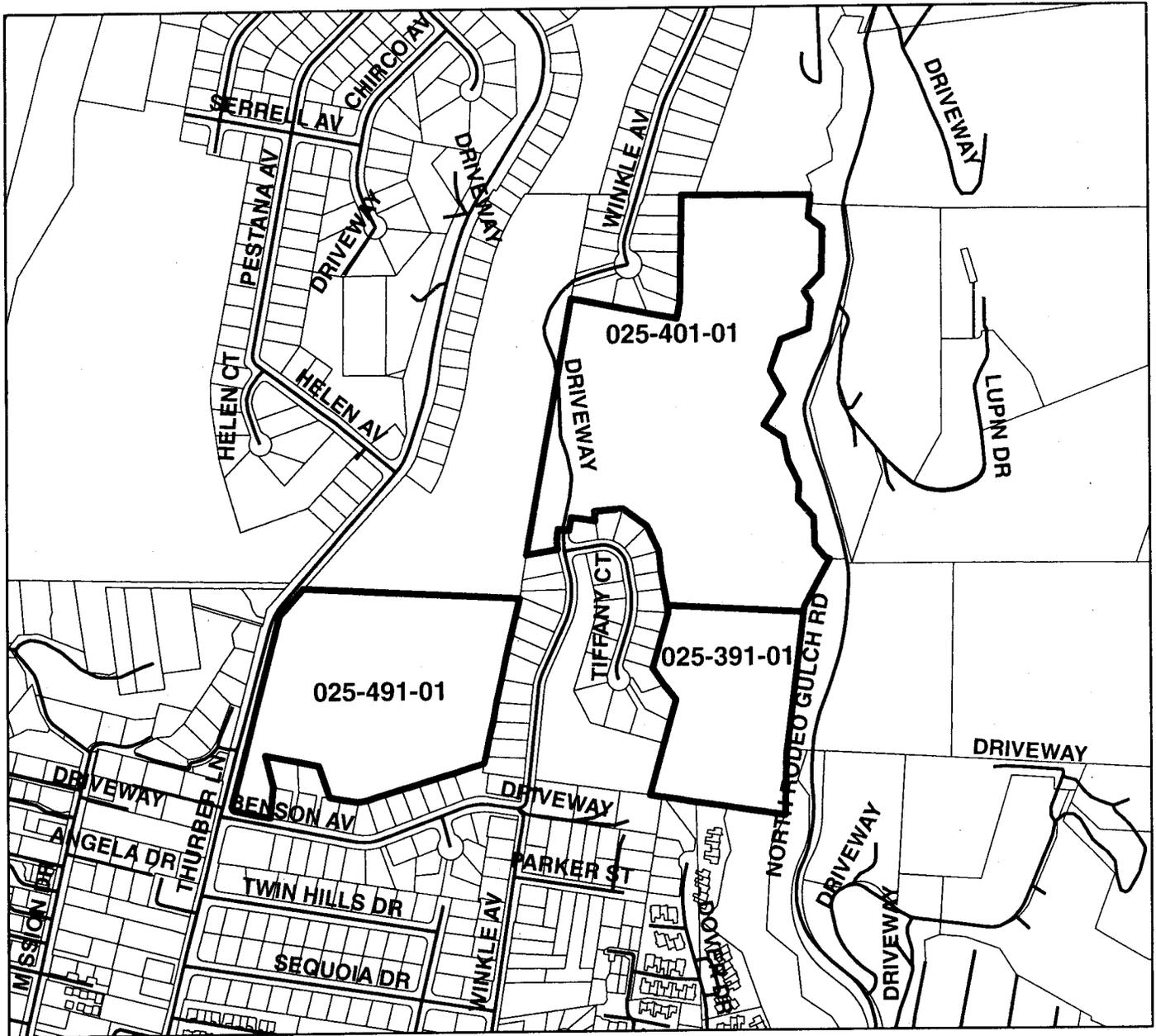
Specify type:

Cathy Graves, Project Planner

Date: _____

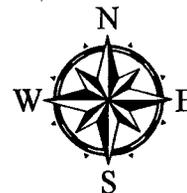


Location Map



LEGEND

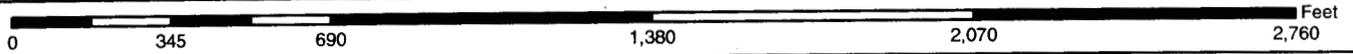
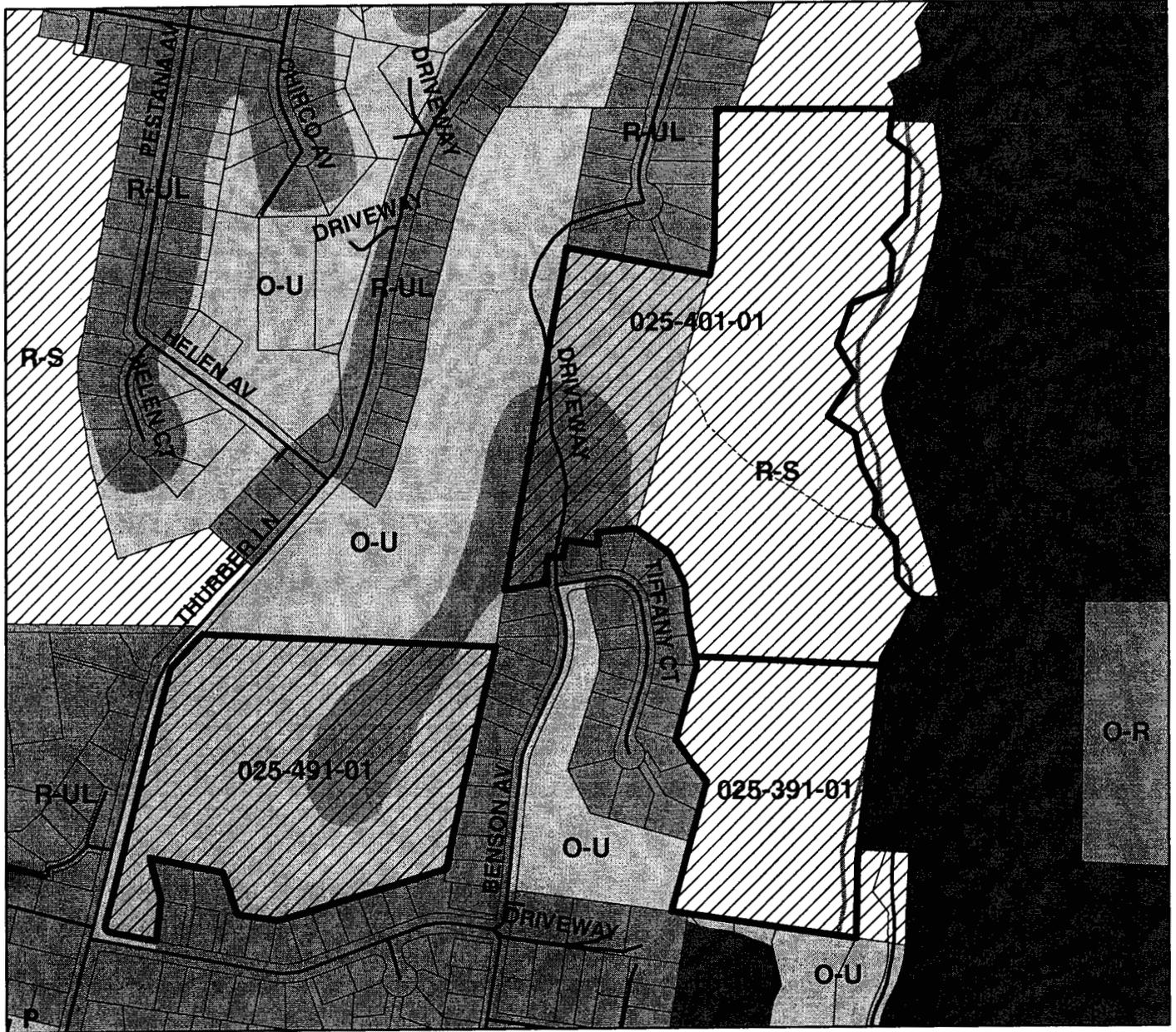
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-  Assessors Parcels
-  Streets



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General Plan Designation Map



LEGEND

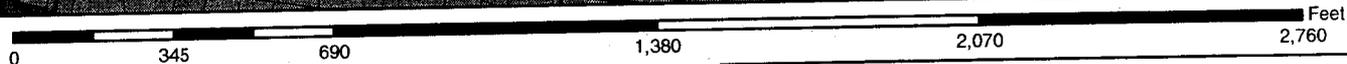
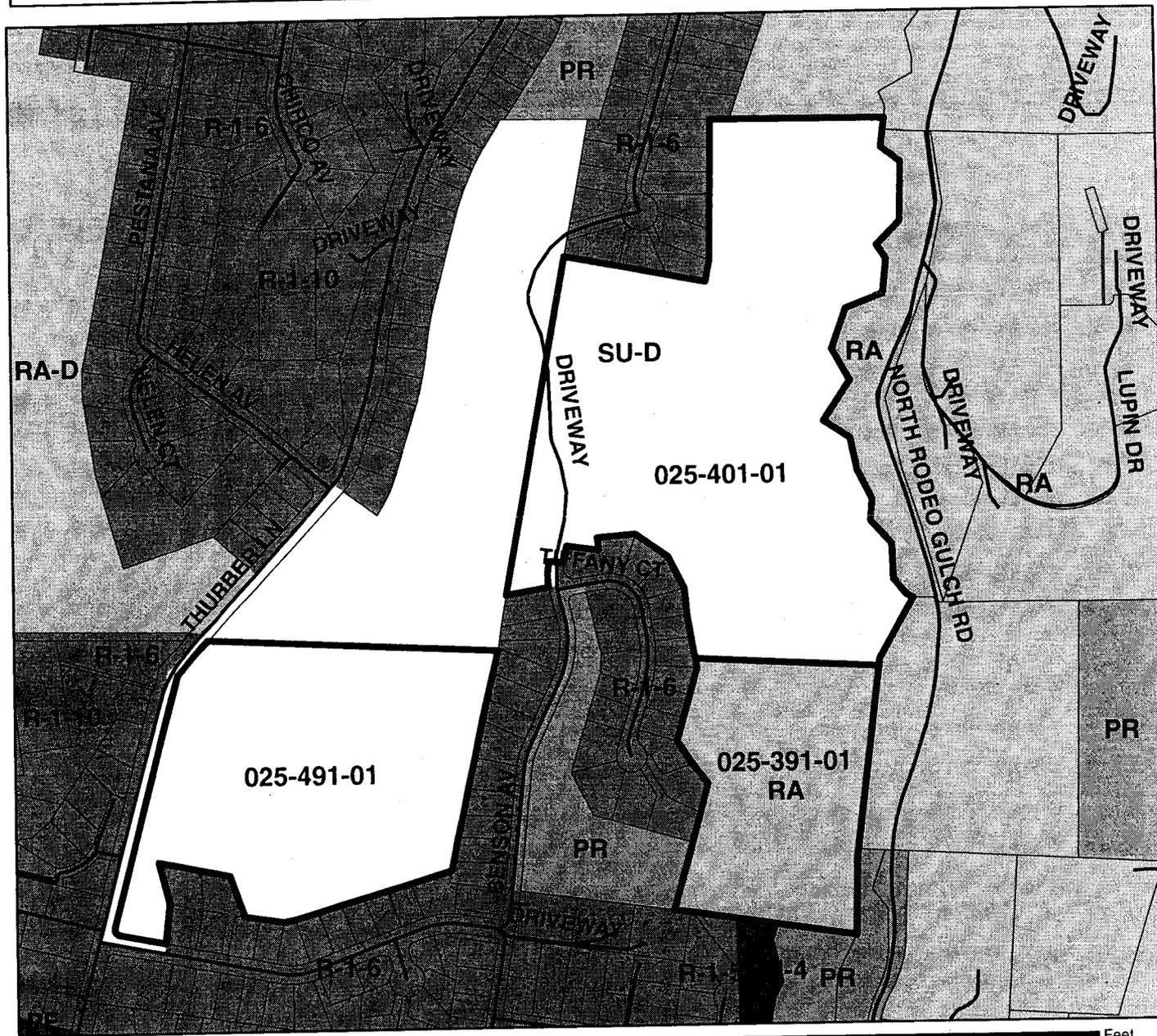
- Subject Parcels
- Assessor's Parcels
- Streets
- Residential-Suburban
- Residential-Rural
- Residential - Urban Low Density
- Residential - Urban Medium Density
- Urban Open Space
- Parks and Recreation
- STREAMTYPE**
- PERENNIAL
- SWALE



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July 2008



Zoning Map



LEGEND

- Subject Parcels
- Assessor's Parcels
- Streets
- SPECIAL USE**
- AGRICULTURE RESIDENTIAL
- PARK
- RESIDENTIAL-SINGLE FAMILY
- STREAMTYPE**
- PERENNIAL
- SWALE

Map Created by
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Planning Department
July 2008

BETTY COST, AICP

PLANNING AND PERMIT SERVICES, LLC



Mailing address: PO Box 355 Aromas, CA 95004-0355
Phone: Office: (831) 724-4597 Cell: (831) 227-3903
Email: BC@BettyCostPPS.com or BettyCostPPS@aol.com

July 13, 2008

**RE: SANTA CRUZ GARDENS - SUBDIVISION TRACT 142
APN'S 25-391-01, 25-401-01 & -02, AND 25-491-01
TIME EXT. OF 06-0622 (ORIGINAL PERMIT NO. 96-0221)**

Dear County:

For our previous time extentions, the The Habitat Conservation Plan (HCP) needed to be completed. This is still the case. The HCP draft been completed for several years now and has been being reviewed for all that time by the USFWS and the CDFG. They are still finishing up final details. The HCP final draft, however, will still have to be published in the Federal Register for 45 days after the final draft has finally been agreed upon by all parties. We anticipate that we may be able to finish all of this very soon and file the Final Subdivision Map for Santa Cruz Gardens Tract 142. However, just in case we do not make the December 8, 2008 deadline, we would like to apply for a final time extension. We are requesting the remaining two years for a total of 5 years of time extensions (original permit 96-0221 deadline of 12/9/05, with previous time extensions for one year until 12/8/06, and 2 years with 06-0622 until 12/9/08) which we would be allowed to have under State law, even though we fervently hope not to need them.

Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Betty Cost'. The signature is written in a cursive, flowing style.

Betty Cost, AICP

cc: Phil Bates
Cathy Philipovitch

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 96-0221

APN: 25-391-01, et al.

APPLICANT: Porter-Livingston Development, Inc.

OWNER: Porter-Livingston Development, Inc.

PROJECT DESCRIPTION: Proposal to: 1. Create a subdivision for 9 single-family lots and a remainder parcel to be dedicated for a biotic conservation easement, including the cancellation of a temporary open space easement that now exists on the property; 2. Change the existing zoning of "SU" (Special Use) to the "R-1-6" (Single-family Residential with a minimum lot size of 6,000 square feet) zone district for the area to be subdivided into residential lots and a rezoning to the "PR" (Park, Recreation and Open Space) zone district for the conservation easement parcel; and 3. Amend the General Plan land use designation of "Urban Low Density Residential" to "Resource Conservation" on that portion of the site to become the conservation easement parcel.

LOCATION: At the northern terminus of Benson Avenue 2,100 feet northeast from Thurber Lane in the Santa Cruz Gardens area of Live Oak.

PERMITS AND APPROVALS REQUIRED: Subdivision, rezoning, General Plan amendment, cancellation of an Open Space Easement and acceptance of Biotic Preservation Easement. A policy determination must also be made regarding the project's consistency with General Plan policy 8.6.6.

ENVIRONMENTAL DETERMINATION: An Expanded Initial Study was prepared to tier off of the 1997 Environmental Impact Report that was required for previous (larger) project on the same site. This EIR and the subsequent Initial Study must be certified for this project. The staff report provides information on additional minor technical changes that have occurred since completion of the Initial Study. Therefore the staff report should be considered a second addendum to the EIR.

COASTAL ZONE: ---yes --X--no

PARCEL INFORMATION

SIZE OF PROJECT SITE: 58.5 acres

EXISTING LAND USE: PROJECT SITE: Vacant
SURROUNDING: Single-family residential and vacant

PROJECT ACCESS: Benson Avenue, County maintained local street which extends from Thurber Lane, a County maintained collector.

PLANNING AREA: Live Oak

LAND USE DESIGNATION: "Urban Residential Low Density", "Urban Open Space" and "Suburban Residential" land uses

ZONING DISTRICT: APN 25-401-01 & -02; 25-491-01: "SU" (Special Use)
APN 25-391-01: "RA" (Residential-Agricultural)

SUPERVISORIAL DIST.: 1

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geological Hazards	a. Not within a geological hazard area. Active slumps and small debris slides occur on the steep slopes of the project property; however, no development will occur on these steep slopes and surface drainage will be controlled to prevent its discharge on these slopes. A geologic report prepared for the project concludes there will not be any significant geologic problems generated by this project.
b. Soils	b. A geotechnical report has been prepared for the project, the recommendations of which can be incorporated into the construction of subdivision improvements. Further lot-specific geotechnical investigation is only needed for Lot s 2 and 3.
c. Fire Hazard	c. Not within a critical fire hazard area.
d. Slopes	d. The project property lies on the western hill of "Twin Hills". The side slopes of the hill have gradients exceeding 30%. These slopes will not be developed but rather the proposed subdivision would be located at the top of the hill on gentle sloping land. Technically, the project constitutes development on a ridgetop. The Planning Commission will need to make a policy determination regarding General Plan policy 8.6.6.
e. Env. Sensitive Habitat	e. About 10 acres of the site is comprised of Coastal Terrace prairie, a rare native grassland habitat. Locally unique plant species occur within this habitat and an insect, the Ohlone tiger beetle, which is

federally listed as an endangered species, is dependant upon this habitat. The project has been redesigned to protect these resources. Riparian habitat occurs on another 11.5 acres of the property in two locations, but both locations are geographically isolated from the project site.

- f. Grading
 - f. The project has been redesigned from one that would require 9,000 cubic yards of grading to one where less than 3,238 cubic yards of grading will occur.
- g. Tree Removal
 - g. The project has been revised to modify the development envelopes on lots 2-4 and 6 to avoid the loss of mature coast live oak trees.
- h. Scenic
 - h. The southern part of the project property includes a prominent ridge and south facing slope which are visible to Highway 1, a designated scenic corridor. However, the project has now been redesigned to eliminate those lots that would have placed development within the Highway 1 viewshed.
- i. Drainage
 - i. The project drainage plan conveys collected storm runoff into an existing storm drain that discharges into Rodeo Gulch east of the site. The storm drain has been sized to accommodate the additional drainage generated by this project.
- j. Traffic
 - j. The 9 unit project will add an estimated 90 vehicle trips/day to area streets. This will incrementally add to area traffic volumes but is not considered a significant individual impact. The applicant will pay transportation and roadside impact fees for 9 single-family-dwellings to mitigate this cumulative impact.
- k. Roads
 - k. Benson Avenue will be extended 340 feet and terminate in a new cul-de-sac for the project street. An existing emergency access road to upper Winkle Drive will be maintained for secondary emergency access.
- l. Parks
 - l. The people living in the 9 project dwelling will contribute to an incrementally increased demand in park space and services. The payment of park impact fees will mitigate this cumulative impact. The County Parks Commission

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recommended dedication of a small public overlook on the site in 1997; however this would result in significant biotic impacts.

- m. Sewer Avail. m. The existing sanitary sewer in Benson Avenue can handle the additional wastewater flow generated by this project. It will need to be extended at the same time Benson Avenue is extended.
- n. Water Avail. n. Domestic water will be provided by the City of Santa Cruz Water Department and this agency can serve the project.

* Report was required

SERVICES INFORMATION

W/in Urban Services Line: --X--yes ----no

Water Supply: City of Santa Cruz Water Department

Sewage Disposal: Santa Cruz County Sanitation District

Fire District: Central Fire Protection District

Drainage District: Zone 5

EXECUTIVE SUMMARY

Porter-Livingston Development, Inc. is proposing to construct a 9 unit residential subdivision on a 58.5 acre vacant parcel, known locally as the west hill of "Twin Hills" in the Santa Cruz Gardens area. The project would be the last of the series of subdivisions that have been approved and constructed in Santa Cruz Gardens. A 21 unit subdivision was proposed on the same site by the applicant's predecessor, Hal Porter Homes in 1993. After withdrawing that project, Hal Porter Homes made a new application in 1996 for the identical project. An Environmental Impact Report (EIR) was prepared for the 21 unit project in 1997 and concluded that unavoidable adverse impacts would be generated by the project in the area of biological resources. Prior to scheduling the project for hearing, the applicant began to make revisions to the project to reduce impacts. Subsequently, the applicant changed to Porter-Livingston and more revisions were made to the project. The project now being considered has undergone substantial revisions, including reducing the size of the project to avoid the removal of a rare biotic habitat and take of a resident endangered insect species. The revised project will also reduce project grading by more than 66% compared to the 21 unit project and eliminate significant visual impacts of the earlier proposal.

The current project includes a 56.4 acre remainder lot that would be placed in biotic conservation easement. A rezoning is proposed to "R-1-6" to support the single-family residential use at the

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project site. Proposed residential parcels range in size from 8,877 square feet to 23,889 square feet (gross). Staff is recommending the zoning and General Plan designation be amended for the conservation easement parcel to "PR" (Park, Recreation and Open Space) and "Resource Conservation" to better reflect the use of that parcel. An Expanded Initial Study was prepared to evaluate the changes between the project evaluated in the EIR and the current proposal. The current project does not result in any new significant impacts beyond those discussed in the EIR and either avoids or reduces most of the EIR's identified impacts. As the Initial Study tiers off of the EIR, both documents should be reviewed to obtain a complete understanding of project impacts and recommended mitigation measures. Please see Exhibit A, Findings, for complete listing of findings and evidence related to the above discussion. Exhibit B provides the staff recommended conditions for the subdivision. Exhibit C, the EIR, was delivered to each Planning Commissioner in December 1999. Another copy of the EIR was again delivered to each Commissioner in December 2002 along with the Final Expanded Study. Exhibit D provides the Mitigation Monitoring and Reporting Program, which is required by CEQA to show how each adopted mitigation measure will be implemented. Resolutions regarding the proposed rezoning and General Plan amendment have been prepared for the Planning Commission's consideration (Exhibits E-1 and E-2).

ANALYSIS AND DISCUSSION

INTRODUCTION

The project now before you is a residential subdivision and associated rezoning/General Plan amendment that has undergone several revisions since the application was first submitted in 1996. Changes to the project, done primarily to avoid environmental impacts, and a change in the federal status of a rare insect species on the site have prolonged the processing of this project. The project is more complex than many urban subdivisions in that rare plant and animal habitats occur on the property and a portion of the property is governed by a temporary open space easement. The next section of this report discusses this easement, which is the only *temporary* open space easement in the County. The project includes a request to cancel this easement; however, the applicant is voluntarily dedicating a perpetual biotic conservation easement to replace the temporary easement.

An EIR was prepared for a larger project on the same site in 1997. The EIR was not certified because the larger project never went forward to hearing. The EIR, however, remains a valid environmental analysis. The California Environmental Quality Act (CEQA) allows EIRs for previous projects on the same site to be used for subsequent project if the new project does not generate new significant impacts beyond those discussed in the EIR. An Expanded Initial Study was prepared in 2001 (Draft) and 2002 (Final) and determined that the current project would not result in new significant impacts that were discussed in the EIR. The Initial Study does revise some of the EIR mitigation measures to better suit the new project as well as eliminate certain earlier mitigation measures that are no longer applicable to the scaled down project. According to CEQA, decision makers are required to review both the EIR and the Initial Study in their consideration of the project. Technically, the Initial Study is an Addendum to the EIR. Staff is also recommending that this staff report be considered an EIR Addendum as well.

BACKGROUND

Much of the Santa Cruz Gardens area was developed by Hal Porter Homes in a series of subdivisions, the most recent of which are subdivision Units 9-11 located along or just off of Benson Avenue. The project property was part of the original proposal for Unit #11 which included Lower Unit #11, consisting of 36 lots along the east-west segment of Benson Avenue and Upper Unit #11, which proposed 31 lots at the current project site. A 12 lot Unit #10, located between the upper and lower areas of Unit #11, was also proposed at about the same time. (Refer to Exhibit F). An EIR was prepared in 1987 for both subdivision units and permits for Units #10 and a revised Unit #11 were approved in 1988. The Subdivision Permit for Unit #11 authorized the creation of 29 single-family residential lots. Seven lots at Lower Unit #11 were eliminated to avoid development in a riparian corridor. More germane to the current project now under consideration, was that none of the 32 lots in *Upper Unit #11* were approved and this area remained in open space.

The elimination of these 32 lots was based upon the conclusions of the EIR that development within this area (the ridgetop of the western "Twin Hill") would result in unavoidable adverse impacts to special status biotic resources - loss of rare coastal terrace prairie habitat; loss of over 70% of Santa Cruz tarplant on the site (a federally listed endangered species) and over 50% of the rare species, Gairdner's yampah, on the site. To protect the biotic resources in this area, the approval of Unit #11 included the placement of a biotic conservation easement over two areas of the site totaling about 10 acres. These two areas are fairly coterminous with the area of sensitive biotic resources identified in the environmental analyses for the current project.

After subdivision approval was granted for Units #10 and #11, the applicant filed suit against the County claiming that the permit condition which required placement of a perpetual conservation easement over a portion of the project property was contrary to State law. The applicant correctly argued that State law allows conservation easements only when they are voluntarily dedicated by the property owner. To resolve this problem and avoid court litigation, the applicant and the County agreed to revise the permit conditions to replace the perpetual conservation easement with a temporary open space easement that would terminate when a subsequent development permit is approved for Unit's #11's remainder parcel. Subdivision Permit 88-0881 was amended with this new condition on July 25, 1989 (Exhibit G). The current project includes a request for cancellation of this open space easement pursuant of Subdivision Permit 88-0881.

PROJECT SETTING

The 58.5 acre project property is the last substantial vacant land remaining in the Santa Cruz Gardens area. This neighborhood is located on the north side of Soquel Drive in the Live Oak planning area and consists primarily of single-family dwellings. An elementary school, fire station and neighborhood park are also located in Santa Cruz Gardens. All of Santa Cruz Gardens is within the Urban Services Line. Topographically, the area begins on a terrace at the same elevation of Soquel Drive and gradually increases in elevation in a northern direction to become foothills that have steep slopes in some areas. The most significant topographic feature is a double lobed bifurcated ridge named "Twin Hills" that rises over 240 feet from its base and is

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easily visible from areas beyond Santa Cruz Gardens. A residential subdivision, named Santa Cruz Gardens #9 was approved in 1985 and constructed on the top of the eastern lobe of "Twin Hills". The project parcel occurs on the western half of this topographic feature, the majority of which is comprised of steep slopes that form the side flanks of the ridge. The project would be located on the top of the western lobe of "Twin Hills".

The irregular shaped project property extends from the Thurber Lane east to Rodeo Gulch Road. It consists of four adjoining parcels, all of which are undeveloped with two exceptions. A drainage ditch and detention pond are located along the western edge of the property adjacent to Thurber Lane and a secondary emergency access road extends from the existing terminus of Benson Avenue across the top of the property to upper Winkle Drive. These features are shown on Exhibits H and I. These improvements were both constructed by Hal Porter Homes as a condition for the approval of Santa Cruz Gardens Units #10 and #11. Single-family homes at urban densities surround the property to the north and south. Similar residential development occurs on the west side of Thurber Lane but the steep western slope of "Twin Hills" physically isolate the project site from Thurber Lane dwellings by a substantial change of topography and distance. A similar topographical situation occurs east of the site except that Santa Cruz Gardens #9 is located adjacent to the southeastern edge of the project site.

DESCRIPTION OF THE PROJECT

The project before the County is a proposal to create 9 single family residential parcels ranging in net developable area of 8,849 square feet to 17,834 square feet and a 56.4 acre remainder parcel that is voluntarily dedicated as biotic conservation easement. (Exhibit J). The conservation easement would replace the existing temporary open space easement that occurs on two portions of the property covering 10 acres. In addition, the proposal includes a request to rezone the property from the "SU" (Special Use) zoning district to the "R-1-6" zone district. Staff is recommending that this rezoning be limited to the residential subdivision area of the site and the conservation easement portion be rezoned to "PR" (Parks, Recreation and Open Space).

The project plans (Exhibit K) provide various details for the project, including how the current project differs from the earlier 21 lot proposal. The 9 residential lots would be served by a cul-de-sac that would be constructed by extending Benson Avenue northward from its current terminus. The lots and street would cover 2.1 acres. Development envelopes would be placed on each lot. All development, except driveways, walkways, fencing, decks, non-habitable buildings less than 251 square feet (aggregate) and subsurface utilities would be confined to the development envelopes. Grading for the street and lots will require 3,238 cubic yards of excavation; however, 2,163 cubic yards will be used for fill. An excess of 1,075 cubic yards of material will need to be exported from the site. (Refer to sheets P5-P8 of Exhibit K).

The design of the 9 dwellings will be in accordance to the Design Guidelines (Exhibit K, sheet A). Dwellings will be one and two-story building form using exterior materials limited to stucco, wood shakes or horizontal wood shiplap siding. Hip roofs of the same pitch and multiple roof lines will be used throughout the dwellings. Exterior colors will be earthen tones of tan, creme and warm grays and greens. The orientation of dwellings will accommodate passive solar heating

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to the extent possible on each lot. Each dwelling will cover less of the lot than allowed by the 30% lot coverage standard for the "R-1-6" zone district. The floor area ratio averages 1,000 square feet/lot less than allowed in the zone district. The design and architecture of the dwellings will complement the design of existing dwellings on Benson Avenue and Tiffani Court. An Axonometric diagram of a previous 12 unit proposal (Exhibit L) shows how the project will appear in relation to surrounding development.

Two landscape easements will be provided on subdivision common areas to help provide privacy between the project and adjoining dwellings on Benson Drive and Tiffani Court. These easements will be landscaped with a variety of drought-tolerant tree and shrub species as shown on sheet L1 of Exhibit K. This landscaping will be maintained by the Home Owners' Association. Biotic conservation easements will be placed on portions of lots 8 and 9 adjoining the conservation easement parcel consistent with the Habitat Conservation Plan for the project. Landscaping and fencing on these areas will be limited to that which is compatible with the Ohlone tiger beetle. A secondary access easement extending from the terminus of the cul-de-sac across lot 4 will provide a 12 foot wide asphalt roadway within a 20 foot easement. This easement will traverse most of the same route as the existing emergency access road which connects to upper Winkle Avenue.

The new project street will be 36 feet wide, curb to curb. Roadside improvements include concrete curb and gutter, a 4 foot wide landscape strip and a 4 foot wide sidewalk. The landscape plan includes installing 15 gallon fruitless olive trees in the landscape strip with a variety of evergreen flowering drought-tolerant shrubs. This landscaping will be maintained by the Home Owners' Association.

Besides the project street, the other significant infrastructure for the subdivision is the drainage system to convey surface runoff from the site. Subsurface drainage pipes will be installed in the rear of several project lots to collect site runoff and convey it into existing drainage lines which convey drainage down the eastern slope of Twin Hills to Rodeo Gulch. A 10 foot wide drainage easement will be placed within the rear yards of lots 5-8 for installation and maintenance of drainage facilities.

The biotic conservation easement would be managed according to a Habitat Conservation Plan (HCP) that would be approved by the U.S. Fish and Wildlife Service (USFWS). The Draft HCP has been approved by the USFWS and the California Department of Fish and Game (CDFG) and the Final HCP is currently under review. The HCP has been prepared to comply with the federal Endangered Species Act and to mitigate for the possible take of the Ohlone tiger beetle. Provisions of the HCP include conveyance of the ownership of the 56.4 acres parcel to an endangered species management authority acceptable to USFWS and CDFG, funding of initial management activities by the applicant for at least 6 years and perpetual funding of long-term management activities by the Home Owner's Association. The permit conditions include a requirement for USFWS final approval of the HCP before the subdivision map can be filed and recorded.

POLICY CONSISTENCY

The 2.1 acre area of the site proposed for subdivision development is located on the top of the western ridge of Twin Hills. General Plan policy 8.6.6 discourages development on ridgetops and significant natural landforms. Both the 1997 EIR and 2002 Initial Study explain that the project is not consistent with this policy. The purpose of policy 8.6.6 is to promote development in a manner that protects the visual and scenic integrity of ridgetops and significant landforms. (See Table 2 in the Draft EIR or page 8-8 of the County General Plan for a complete text of the policy). The previous 21 lot project included lots that extended near the beginning of the downward south facing slope. Houses and land alteration from grading on these lots would have been clearly visible to most of the Santa Cruz Gardens area and beyond, including the Highway 1 scenic corridor. The EIR determined this was also a significant visual impact of the 21 unit project. The revision of the project to its current 9 lot size has eliminated the lots that would have generated the visual impact described in the EIR; however, a potential policy conflict remains.

As stated above, the purpose of policy 8.6.6 is to protect visual and scenic resources for the general welfare of the public. The visibility of the 9 ridgetop lots of the current project will be restricted to residential properties on Tiffani Court and a few residential properties on Benson Avenue that adjoin the project site. Views from Tiffani Court are possible, in part, because these parcels are located on the top of the eastern ridge of Twin Hills and this project was approved prior to the adoption of policy 8.6.6 with the 1994 General Plan. In Planning staff's view, the current project could be considered consistent with the intent of policy 8.6.6 because the visual impacts of the project are restricted to only the properties most proximate to the project site. Further, policy 8.6.6 states that development on ridgetops shall be avoided if other developable land exists on the property. The area where the 9 lots are proposed is the only area on the entire 58.5 acre property that will not generate significant environmental impacts. For these reasons staff recommends the Planning Commission make a policy determination that the project is consistent with policy 8.6.6. The recommended findings in Exhibit A include this determination.

ENVIRONMENTAL ISSUES

The EIR and its Initial Study Addendum identify impacts to biotic resources as the most significant environmental issues with the project. Other important issues are in the areas of soils and grading, surface drainage and visual impacts. The issue of visual impacts is discussed in the Policy section above. While a relatively large property within the Urban Services Line, the majority of this 58.5 acre site contains land that is either undevelopable or where development would generate unavoidable adverse impacts. The majority of the site consists of slopes greater than 30% that occur at the eastern, western and southern portions of the site. The land at the bottom of the western facing slope contains a large detention pond that serves much of the Santa Cruz Gardens area. The land at the bottom of the eastern slope is a riparian corridor. These areas are not developable. The remaining land lies at the top of the ridge. This land includes 10 acres of high quality coastal terrace prairie (a rare biotic habitat) and habitat for the endangered Ohlone tiger beetle. The remaining area at the top of the ridge is 2.1 acres of mixed grassland (a lower quality coastal terrace prairie) and non-native grassland. This is the area where the 9 unit subdivision is proposed. (Please refer to Figures 3, 5 and 9 in the Revised Draft EIR for a

mapping these resources and constraints.)

The EIR characterized development within the coastal terrace prairie/Ohlone tiger beetle area as generating significant unavoidable adverse impacts to rare plant habitat, rare plant species (Santa Cruz tarplant and Gairdners yampah) and the rare insect species. The Ohlone tiger beetle was listed as an endangered species in 2001 under the authority of the federal Endangered Species Act (ESA). During the time the Initial Study was being prepared, the County and the applicant worked with the USFWS to develop a plan that would mitigate impacts to the beetle and meet the requirements of the ESA. An interim 10 lot proposal was modified to the current 9 lot plan with lot 9 shaped in a horizontal orientation to avoid beetle habitat based on entomological surveys conducted in 2000. In addition, the applicant has prepared a Habitat Conservation Plan (HCP), as required by the ESA, when endangered species may be impacted by development. According to both the EIR and the USFWS, indirect impacts from subdivision structures, landscaping and residents will occur, but these can be offset by enhancing the species' habitat through the HCP. The HCP also places minor requirements on the subdivision itself, such as prohibiting solid fencing at the property line adjoining beetle habitat to prevent shading. These requirements will be included in the CC and Rs for the project.

The coastal terrace prairie and the beetle habitat on-site are fairly co-terminus. Implementation of the HCP will also benefit the coastal terrace prairie as a habitat and many of its individual plant species. One plant species, the Santa Cruz tarplant, is listed as endangered by the California Endangered Species Act (CESA). The County, the applicant and the USFWS have consulted with the California Department of Fish and Game (CDFG) regarding this issue. The CDFG has agreed accept the HCP as mitigation for potential effects to the tarplant. Biotic issues are discussed in more detail on pages 3-1 to 3-24 of the Revised Draft EIR and pages 27 to 42 of the Initial Study.

Soil on the subdivision site consist of primarily poorly drained Watsonville loam. The land adjoining the east and west edges of the proposed subdivision have slopes exceeding 30%. A geotechnical report was prepared as part of the evaluation of this project. Recommendations include locating all development a minimum of 25 feet from the break in slope, requiring a more focused geotechnical report for lots 2 and 3 to determine the appropriate foundation design and implementation of a drainage plan that will capture the additional runoff generated by project construction and convey to the bottom of the slope in enclosed pipes. The project plans have been developed consistent with recommendations of the geotechnical report.

As discussed above, project drainage will be captured and conveyed to Rodeo Gulch at the bottom of the site's eastern slope. An existing detention basin at the bottom of the site's western slope and adjoining Thurber Lane will continue to collect sheet flow runoff from the slope above it. The basin, which was constructed as a condition of the approval of both Santa Cruz Gardens Unit #10 and #11, contains sufficient capacity for additional drainage but downstream culverts lack additional capacity. It is for this reason that project drainage is being conveyed into the Rodeo Gulch watershed. Maintenance of the Thurber Lane detention pond, has however, become a neighborhood issue over the years as the homeowners' associations for Units #10 and #11 are required to maintain the pond and carry liability insurance for it but have no right to make improvements to it since it is not owned by these associations. One way to resolve this issue

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would be to create a separate parcel for the pond and deed it as a common lot to the two homeowner associations while retaining the drainage easement on the pond. This solution will be investigated with the two homeowners groups and County Counsel in more detail before the Planning Commission hearing.

Similar, to the situation with the detention pond, the Unit #10 and #11 homeowners' association presently have full maintenance responsibility for the secondary access road on the project site, but not ownership. The applicant will be realigning this road slightly to the east. It would not be appropriate for the residents of Units #10 and #11 to have full maintenance responsibility, but rather it should be shared by the residents of new Unit #12 as well. The recommended permit conditions include this requirement.

PARK SITE DESIGNATION

The three largest project parcels have a "D" (Designated Park Site) combining zoning to implement the following General Plan program policy:

"Twin Hills; Include a small neighborhood park facility in the final phase of the Santa Cruz Gardens Subdivision at Twin Hill located in the conjunction with open space protection areas and to provide public access to the scenic vistas and appropriate scaled neighborhood recreational opportunities".

This language supports some type of public access at the ridgetop to provide for public viewing of the expansive vista seen from the south edge of the ridge. The policy was adopted before environmental studies done for this project revealed the extent of biotic resources on the ridgetop and prior to the federal listing of the Ohlone tiger beetle at that same location. The County Parks and Recreation Commission reviewed the original 21 lot project in 1997 and recommended a dedication of 400 square feet/unit to provide a pedestrian trail to a public viewing and seating area at the south end of the ridge in lieu of park dedication fees. This is described in more detail in the Commission's letter in Appendix B of the Final EIR.

Any dedication of land for public park use on the site would have numerous problems. Public use on the ridge, even though passive, would generate the indirect impacts to both the coastal terrace prairie plant community and the Ohlone tiger beetle habitat that are described in Impact #8 of the Revised Draft EIR and Impact #5 of the Initial Study. The remainder of the open space portion of the property consists of slopes greater than 30% and riparian corridor, both of which are not appropriate for public uses. Any County approved public uses at the ridgetop would require the County to comply with both the federal and State Endangered Species Acts and consequently require mitigation that would be very costly and could require land dedication elsewhere to compensate for "take" of endangered species habitat. Now that the project has been reduced to 9 dwellings, the maximum amount of land that could be dedicated under the provisions of County Code Chapter 15.01 (Park Dedication and Public Access Requirements) is 3,600 square feet. This is insufficient area to provide a 6 foot wide trail from the terminus of Benson Avenue to the south edge of the ridge as envisioned by the Parks Commission. Nor would it provide the land needed

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for a viewing area at that location.

The Santa Cruz Gardens area has two neighborhood parks. The Winkle Farm Park is located off lower Winkle Avenue south of the project site. (See page 4-8/Figure 13 in the RDEIR). The Santa Cruz Gardens Park borders the west edge of many residential properties on Cabrillo Avenue north west of the project site. The project as now designed, would provide 56.4 acres of land dedicated to the County as biotic conservation easement. While this is not the same as a public park, the dedication will provide open space that will have some benefits to the public. Due to the several factors discussed above, Planning staff is recommending that park in-lieu fees be applied to the project rather than an on-site land dedication.

REZONING AND GENERAL PLAN AMENDMENT

The top of ridge portion of the 58.5 acre site is designated by the General Plan as "Urban Low Density Residential" and zoned "SU" (Special Use). Steeply sloped and riparian areas of the site are designated "Urban Open Space" and Suburban Residential" land uses. (See Exhibit M). The "Urban Low Density Residential" designation is appropriate for the residential subdivision portion of the project, but it extends into a portion of the area proposed to be preserved in open space. In addition, the "Suburban Residential" designation covers about 40% of the area proposed for open space and placed under a conservation easement. These designations are for residential development. The designation of "Resource Conservation" is used to show lands that are placed in open space or land with very limited development to conserve a natural resource. For this reason, staff is recommending a General Plan amendment to "Resource Conservation" for the biotic conservation easement parcel even though such an amendment has not been proposed by the applicant.

The project does propose rezoning the site to "R-1-6" to clearly reflect the residential use of the development and this zoning is consistent with the General Plan's existing designation of "Urban Low Density Residential" for the site. However, a residential zoning would not be appropriate for the biotic conservation easement parcel, as residential uses will not occur on this 56.4 acres. The zoning of "PR" is used for properties retained in open space and this zoning is consistent with the "Resource Conservation" designation. Staff recommends the rezoning to "R-1-6" be limited to the 9 residential lots and their associated street, with the remainder of the site (biotic conservation easement parcel) rezoned to "PR". The resolutions in Exhibit E-1 and E-2 have been prepared to include both the recommended General Plan amendments and rezonings.

CONCLUSION

This project has been revised from a 21 unit residential project with common ownership over the remainder parcel to a 9 unit residential project with the remaining land dedicated as a conservation easement and conveyed to a separate entity to own and manage the resources of the preserved land according to an HCP. The modified project avoids the significant unavoidable adverse impact that is discussed in the EIR and makes the project consistent with the ESA and the CESA. The design of the dwellings will include common architectural elements that will provide visual unity

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within the subdivision as well as provide compatibility with other residential development in the area.

Further analysis of the project since release of the Initial Study results in staff's recommendations for a rezoning and General Plan amendment for the biotic conservation easement parcel. While this was not part of the applicant's proposal, it will not affect the residential uses or associated infrastructure for the 9 single-family residential lots. Nor will it result in any environmental impacts. Since the rezoning and General Plan amendment are not discussed in either the EIR of the Initial Study, this staff report should also be considered an EIR Addendum to comply with the provisions of CEQA.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

1. Make a policy interpretation that this project is consistent with General Plan policy 8.6.6;
2. Recommend the Board of Supervisors cancel the existing temporary Open Space Easement with the cancellation becoming effective when the subdivision map is recorded;
3. Adopt the resolution (Exhibit E-1) which recommends the Board of Supervisors amend the General Plan in the next round of General Plan amendments to change the land use designation for the 56.4 acre biotic conservation easement parcel from "Urban Low Density Residential", "Suburban Residential" and Urban Open Space" to "Resource Conservation"; and
4. Recommend the Board of Supervisors make the findings in Exhibit A to:
 - Certify the Environmental Impact Report, its Initial Study Addendum (Exhibit C), the staff report Addendum and the Mitigation Monitoring and Reporting Program (Exhibit D) prepared for this project;
 - Approve Application No. 96-0221 according to the conditions in Exhibit B.
 - Adopt the Resolution (Exhibit E-2) to rezone the 2.1 acre area proposed for single-family residential use from the "SU" (Special Use) zone district to the "R-1-6" (Single-family Residential with 6,000 square foot minimum lot size) zone district and to rezone the remainder of the project properties from the "SU" (Special Use) zone district and the "RA" (Residential-Agricultural) zone district to the "PR" (Parks, Recreation and Open Space) zone district.

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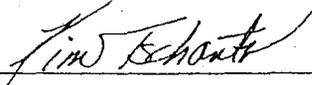
EXHIBITS

- A. Findings
 - ~ Subdivision Permit Findings
 - ~ Rezoning Findings
 - ~ CEQA Findings
- B. Conditions
- C. Environmental Impact Report and Expanded Initial Study (on file at County Planning) *
- D. Mitigation Monitoring and Reporting Program
- E. Planning Commission Resolutions
 - 1. Recommending a General Plan Amendment
 - 2. Recommending a Rezoning
- F. Historic Vicinity Map of the Adjoining Subdivisions
- G. Page from Permit 88-0081
- H. Location Map
- I. Map of Project Parcels
- J. Letter Voluntarily Dedicating the Conservation Easement
- K. Project Plans (on file at County Planning) *
- L. Axonometric Diagram of the Earlier 12 lot Proposal
- M. General Plan Map
- N. Zoning Map

* Each Planning Commissioner has been provided with this Exhibit prior to or along with receipt of the staff report.

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

Report Prepared By:



Kim Tschantz, CEP
Cypress Environmental and Land Use Planning

Report Reviewed By:



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(831) 454-3141
Santa Cruz County Planning Department
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

Additions to the Staff Report for the Planning Commission

Item 7: 08-0299

Late Correspondence

From: Cathy Graves
Sent: Wednesday, September 03, 2008 7:33 AM
To:
Subject: FW: Application:08-029

Could you please include this in the record for application 08-0299, PC agenda of 9/10? Thanks.

Cathy

Cathy Graves
Development Review Planner
(831) 454-3141

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

From: Dorothy Blank [mailto:dbroses@sbcglobal.net]
Sent: Tuesday, September 02, 2008 5:39 PM
To: Cathy Graves
Subject: Application:08-029

We live 3 houses down from the Winkle-Tiffani Ct extension and have been to several meetings to give our approval. Because of the real estate climate obviously the building is not ongoing but it still seems a good plan to extend the time of approval. sincerely David and Dorothy Blank