



Staff Report to the Planning Commission

Application Number: **111047**

Applicant: Jon Lee
Owner: Green Valley Corporation
APN: 029-101-03

Agenda Date: June 8, 2011
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: Proposal to change the design and to reduce the size of the previously-approved single-family dwellings for a four-parcel minor land division, and to construct detached garages with a height of approximately 21 feet, 11 inches. Requires an Amendment to Residential Development Permit and Tentative Map approval 04-0716, and to Minor Variation 07-0313.

Location: Located on the west side of Chanticleer Avenue opposite the intersection of Chanticleer and Thompson Avenue at 1815 Chanticleer Avenue.

Supervisory District: 1st District: (District Supervisor: John Leopold)

Permits Required: Amendment to Residential Development Permit and Tentative Map Approval 04-0716 and Minor Variation 07-0313.

Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Deletion of 04-0176 Condition of Approval E.3.(c) based on the amended design.
- Approval of Application 111047, based on the attached findings and conditions.

Exhibits

- | | |
|--|-------------------------------------|
| A. Project plans | E. Conditions of Approval, 04-0176 |
| B. Findings | F. Assessor's, Location, Zoning and |
| C. Conditions | General Plan Maps |
| D. Categorical Exemption (CEQA
determination) | |

Parcel Information

Parcel Size: 37,940 square feet (0.87 acres)
Existing Land Use - Parcel: vacant

Existing Land Use - Surrounding: Single and multi-family residential
Project Access: From driveway off of Chanticleer Avenue
Planning Area: Live Oak
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single family residential - 6,000 square feet minimum)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal ☐ Yes ☒ No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Approximately 500 cubic yards of grading is proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Santa Cruz Municipal Utilities
Sewage Disposal: Santa Cruz Sanitation District
Fire District: Central Fire
Drainage District: Zone 5 Drainage

History

Minor Land Division, Residential Development Permit and Roadside/Roadway Exception 04-0176 approved a proposal to divide the subject parcel into 4 single family lots of 6,491, 6,533, 9,028 and 6,432 square feet, construct a two-story single family dwelling on each new lot, a single story, 17-foot high, detached accessory structure on proposed Lot 3 and to reduce the required right-of-way and road width from 56 feet and 36 feet to 41 feet and 32 feet respectively, to reduce the required corner radius from 20 feet to 12 feet and construct contiguous (not separated) sidewalks.

Application 07-0313 gave administrative approval to a Minor Variation to the design of the proposed dwellings and corrected an error in the area calculations of the lot sizes.

Project Setting

The subject parcel is currently vacant. The property had been developed with a single family dwelling, which was demolished under Demolition Permit #133347 in 2003. Surrounding development consists predominately of residential uses, developed to a similar density as that requested by this proposal and a mobile home park at the southwestern property boundary.

Commercial uses are located south of the site on Capitola Road.

Zoning in the immediate area is R-1-6, with RM zoning east and southeast of the neighborhood and RM-3-MH for the mobile home park immediately southwest of the subject property. Commercial zoning (C-1, PA and C-T) and Public Facilities (PF) zoning are found south and southeast of the property along Capitola Road.

There are two mature Coastal Live oak trees on the property. The access road placement and the configuration of the parcel boundaries and building footprints in application 04-0176 were designed to maintain these two trees, and the amendment that is now proposed is equally protective.

Zoning & General Plan Consistency

The project site has a General Plan land use designation of “R-UL” (Urban Low Density Residential). This designation allows a density range of 4.4 to 7.2 Units per net developable acre, which corresponds to lot size requirements of 6,000 to 10,000 net developable square feet. The objective of this land use designation is to provide for low density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed, the four units on 28,876 net developable square feet results in a density of 6.0 U/NDA and is therefore consistent with the General Plan.

The subject property is a 37,940 square foot lot, located in the R-1-6 (Single family residential - 6,000 square feet minimum) zone district, a designation that allows residential uses.

Design Review

Because the project is a land division located inside the Urban Services Line, it is subject to the provisions of County Code Chapter 13.11 (Site, Architectural and Landscape Design Review).

The County Urban Designer determined that the smaller, re-designed single-family residences will be in harmony with the existing density and character of the surrounding neighborhood. The re-designed homes will utilize natural-appearing materials and colors that will harmonize with the landscape, and because the footprints are reduced from the originally-proposed residences, each home will be further away from the property lines and thus have a reduced visual impact on neighboring properties. The neo-craftsman style will harmonize well with the surrounding development in the vicinity and be appropriate to the neighborhood character.

Under this Amendment request, no changes are proposed to the lot sizes and configurations or to the access road or other infrastructure. Aside from the style changes, all four houses are smaller than what was previously proposed, and each would have a smaller footprint on its respective parcel:

House sizes (square feet):	Previously Approved	Currently Proposed
Lot 1	3,071	2,241
Lot 2	2,986	2,121
Lot 3	3,547	2,361
Lot 4	3,071	2,349

During the original public hearing process for 04-0176, privacy concerns were expressed

regarding the second-story windows and sight lines to neighboring parcels. Staff recommends that with this Amendment, Condition of Approval E.3.(c) which requires south-facing second-story windows on Lot 3 and north-facing second-story windows on Lot 4 to have obscured glass or clerestory windows can now be deleted if there are no current public concerns or objections. With the smaller home designs, the Lot 3 windows are now set back 25 feet rather than 10 feet from the south property line, and the Lot 4 second-story windows are smaller in area and fewer than on the previous design.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15315, Minor Land Divisions. This Categorical Exemption applies because the project is an amendment to a previous approval to divide an urbanized property into four residential parcels.

Affordable Housing Requirement

The project is subject to affordable housing regulations as adopted by the Board of Supervisors. According to County Code Section 17.10.031, inclusionary housing in-lieu fees are required for small residential projects for two of the four units. The construction of an affordable unit is not required for the project.

Conclusion

As proposed and conditioned, the proposed design amendment to the project previously approved under # 04-0176 is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

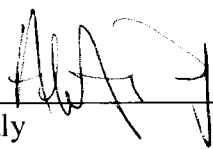
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Deletion of 04-0176 Condition of Approval E.3.(c) based on the amended design.
- **APPROVAL** of Application Number **111047**, based on the attached findings and conditions.

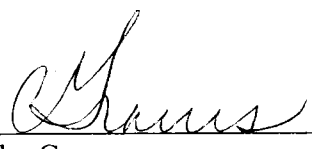
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

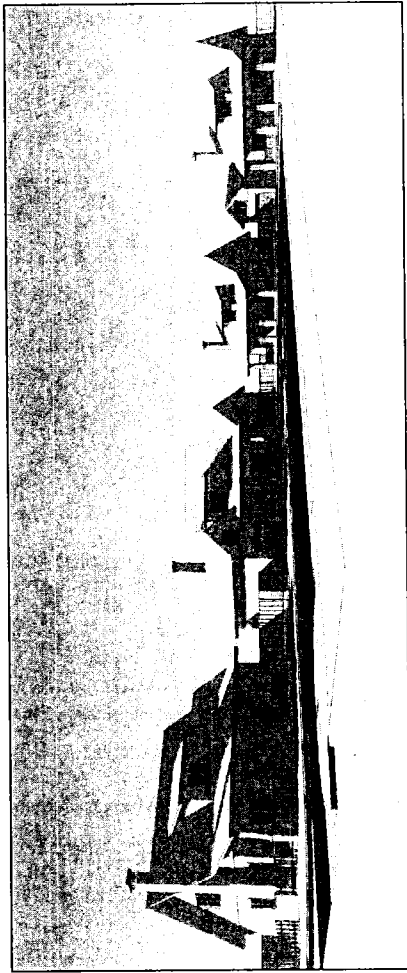
Report Prepared By: _____


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Report Reviewed By: _____


Cathy Graves
Principal Planner
Santa Cruz County Planning Department

REVISED PLANNING SUBMITTAL



CHANTICLEER OAKS HOMES

LOCATION MAP



SITE

CONTACTS

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CIVIL ENGINEER

AKERS & ASSOCIATES
1555 AVENUE 100, SUITE E
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CONTACT: GREG LEWIS

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BUILDING AREA

Lot Area (B.F.)	First Floor	Second Floor	Total
Lot 1 (B.F.)	1,114	427	1,541
Lot 2 (B.F.)	1,114	427	1,541
Lot 3 (B.F.)	1,114	427	1,541
Lot 4 (B.F.)	1,114	427	1,541
Lot 5 (B.F.)	1,114	427	1,541
Lot 6 (B.F.)	1,114	427	1,541
Lot 7 (B.F.)	1,114	427	1,541
Lot 8 (B.F.)	1,114	427	1,541
Lot 9 (B.F.)	1,114	427	1,541
Lot 10 (B.F.)	1,114	427	1,541
Lot 11 (B.F.)	1,114	427	1,541
Lot 12 (B.F.)	1,114	427	1,541
Lot 13 (B.F.)	1,114	427	1,541
Lot 14 (B.F.)	1,114	427	1,541
Lot 15 (B.F.)	1,114	427	1,541
Lot 16 (B.F.)	1,114	427	1,541
Lot 17 (B.F.)	1,114	427	1,541
Lot 18 (B.F.)	1,114	427	1,541
Lot 19 (B.F.)	1,114	427	1,541
Lot 20 (B.F.)	1,114	427	1,541



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DATE: 11-9-16

DATE: 11-9-16

DATE: 11-9-16

CHANTICLEER OAKS HOMES
1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062
TITLE SHEET



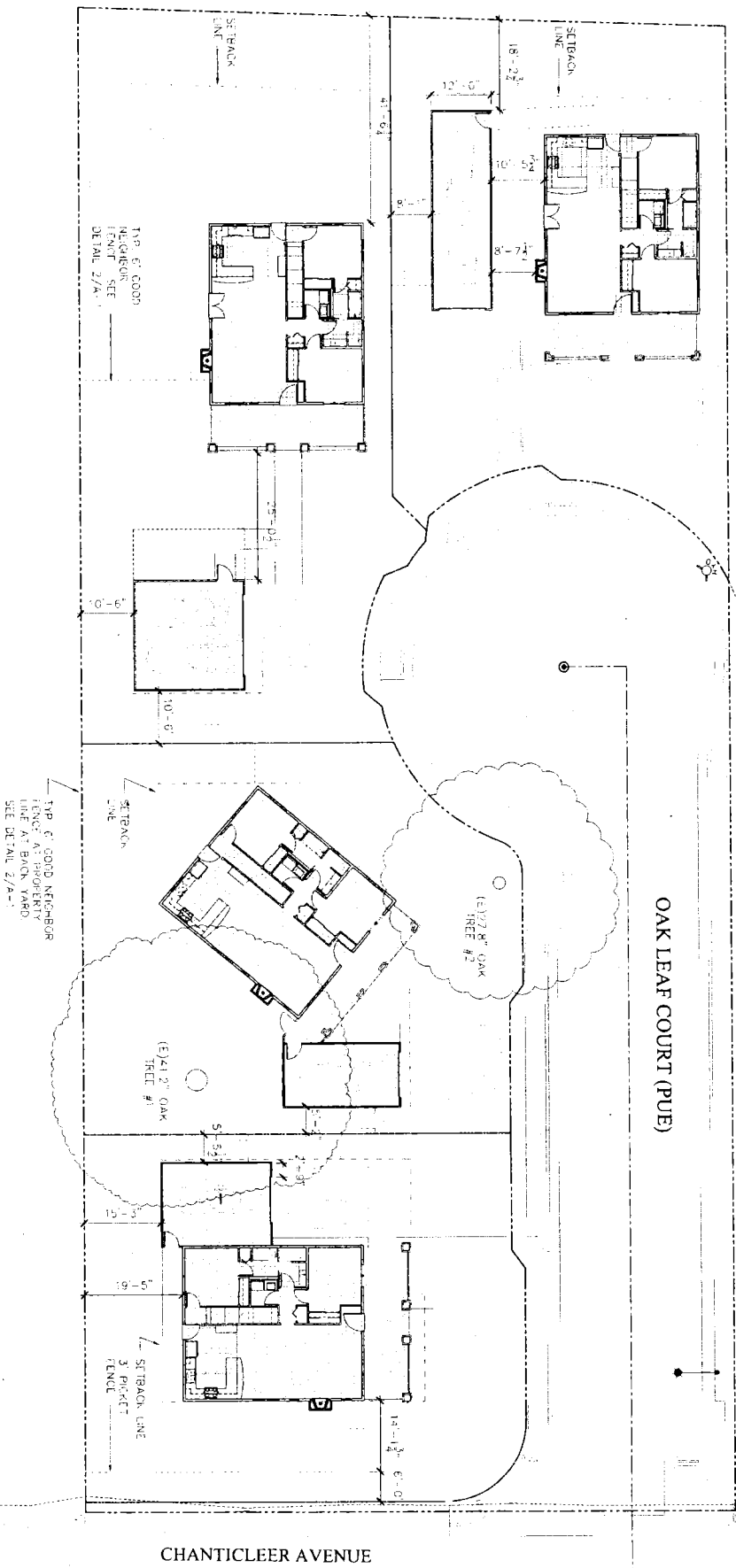
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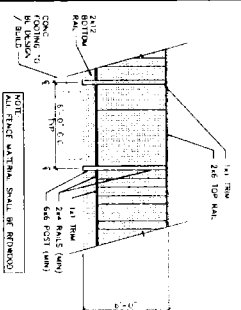
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1 SITE PLAN

SCALE: 1/8"=1'-0"



2 TYP. GOOD NEIGHBOR FENCE



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A-1



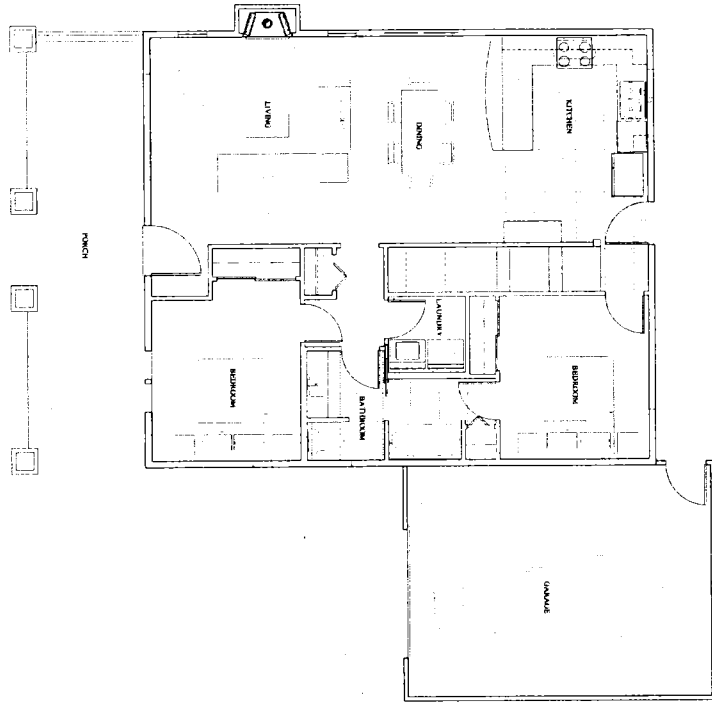
CHANTICLEER OAKS HOMES

1815 CHANTICLEER AVENUE
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SITE PLAN



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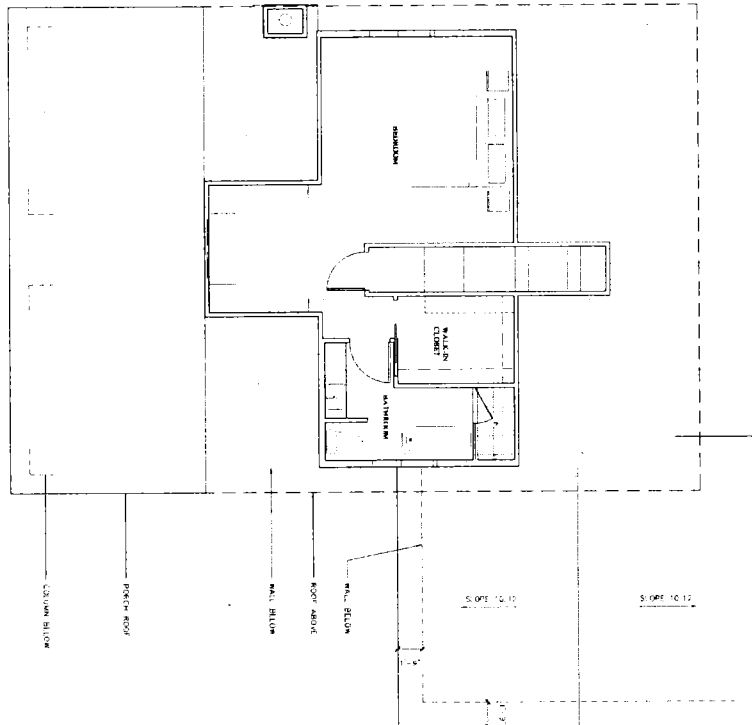


1 FIRST FLOOR PLAN

AREA: 1114 SF PORCH: 278 SF GARAGE: 504 SF

SCALE: 1/8" = 1'-0"

TYPICAL FIRST FLOOR PLAN FOR DIMENSIONS SEE A 2.1c



2 SECOND FLOOR PLAN

AREA: 457 SF

SCALE: 1/8" = 1'-0"

TYPICAL SECOND FLOOR PLAN FOR DIMENSIONS SEE A 2.1c

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A 2.1a



CHANTICLEER OAKS HOMES
1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062
FLOOR PLANS LOT 1

DATE: MARCH 11, 2011
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FOR: [Signature]

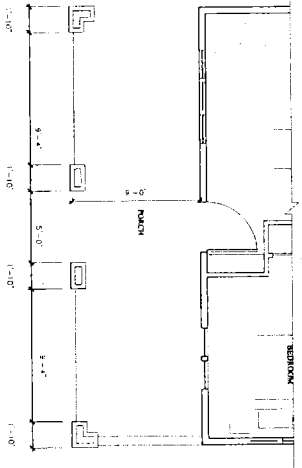
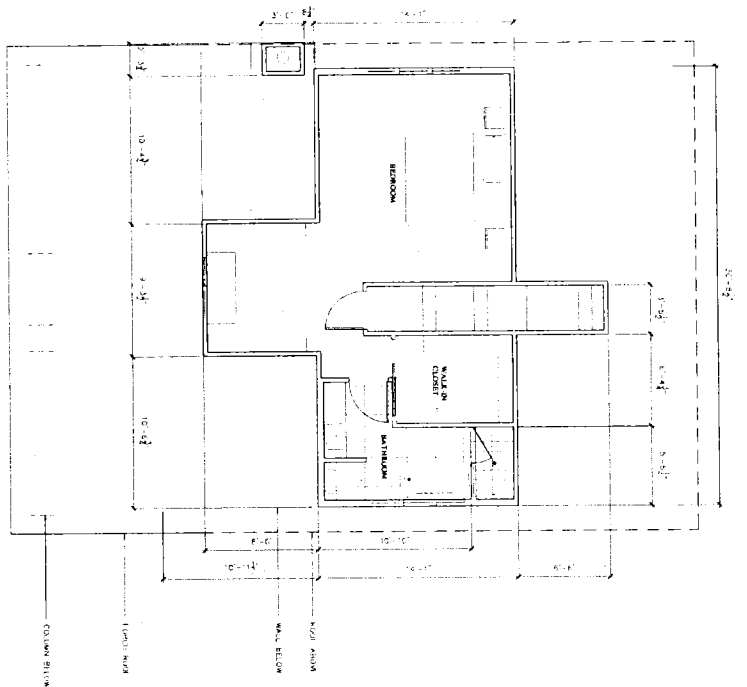
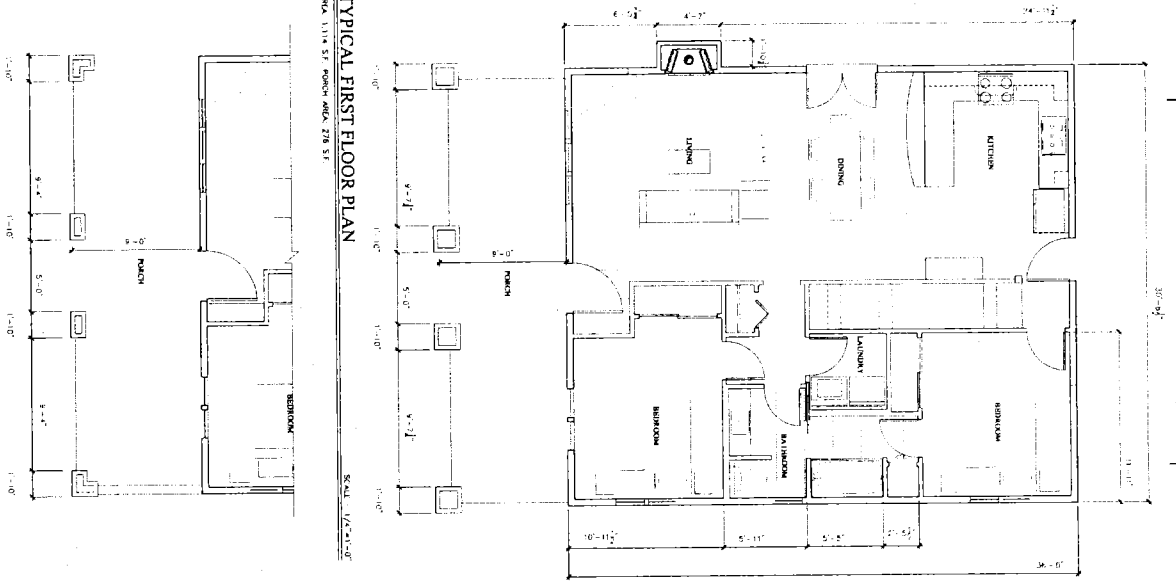
BARRY SWENSON BUILDERS
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WWW.BSBUILDERS.COM



EXHIBIT A

SCAF : 1/4"-0"

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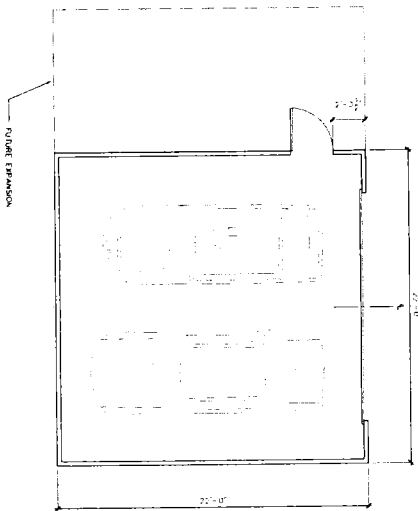
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CHANTICLEER OAKS HOMES
1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062
FLOOR PLANS LOTS 3 AND 4

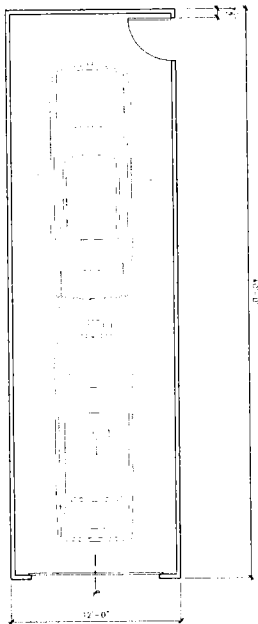


EXHIBIT A



1 GARAGE PLAN - LOT 3
AREA: 440 S.F.

SCALE: 1/4"=1'-0"



2 GARAGE PLAN - LOT 4
AREA: 480 S.F.

SCALE: 1/4"=1'-0"

CHANTICLEER OAKS HOMES

1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062

GARAGE PLANS LOTS 3 AND 4



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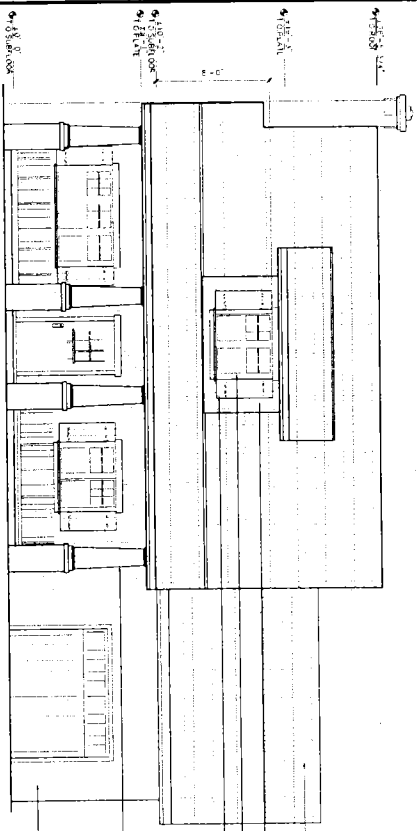
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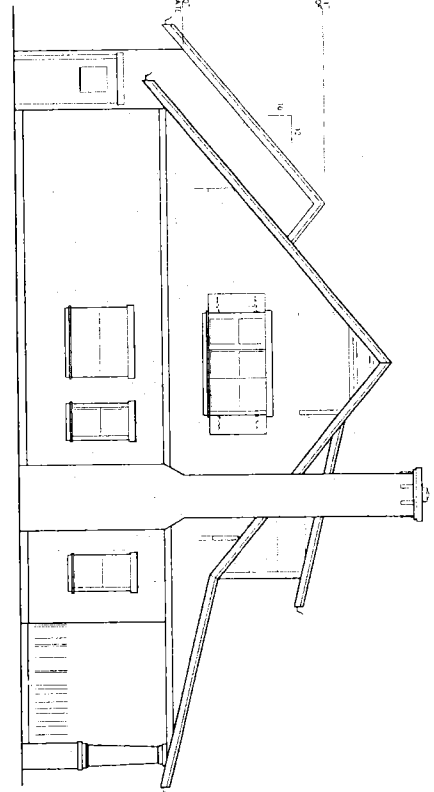
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EXHIBIT A



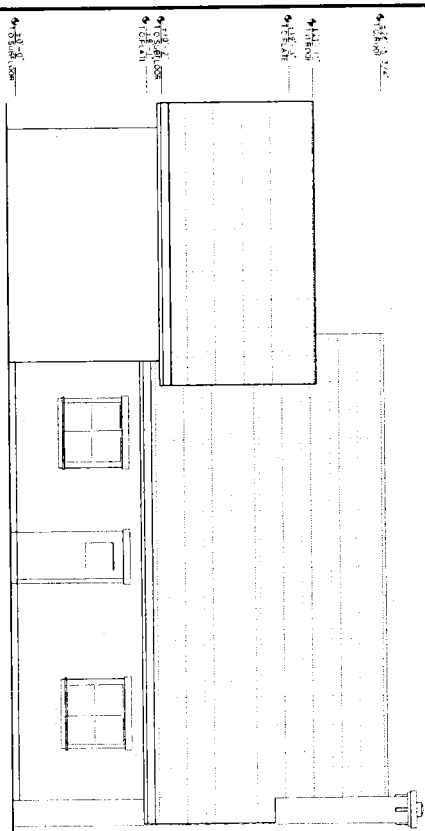
1 FRONT ELEVATION (NORTH)
LOT 1

SCALE 1/4" = 1'-0"



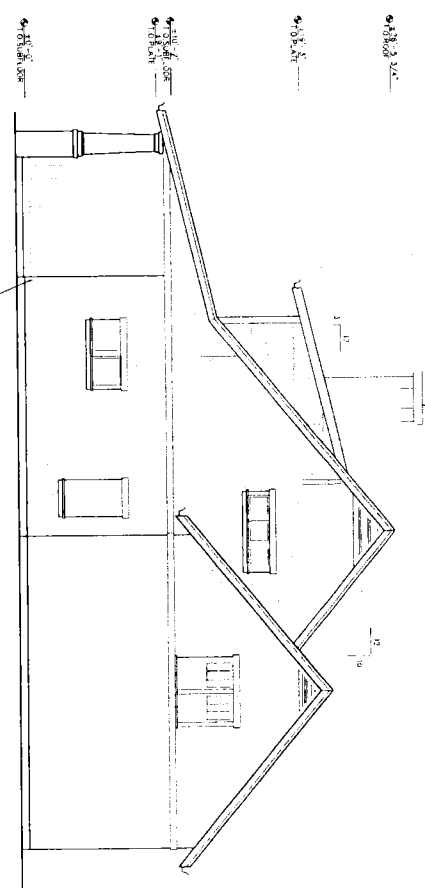
2 LEFT ELEVATION (EAST)
LOT 1

SCALE 1/4" = 1'-0"



4 BACK ELEVATION (SOUTH)
LOT 1

SCALE 1/4" = 1'-0"



3 RIGHT ELEVATION (WEST)
LOT 1

SCALE 1/4" = 1'-0"



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San Jose, CA 95112
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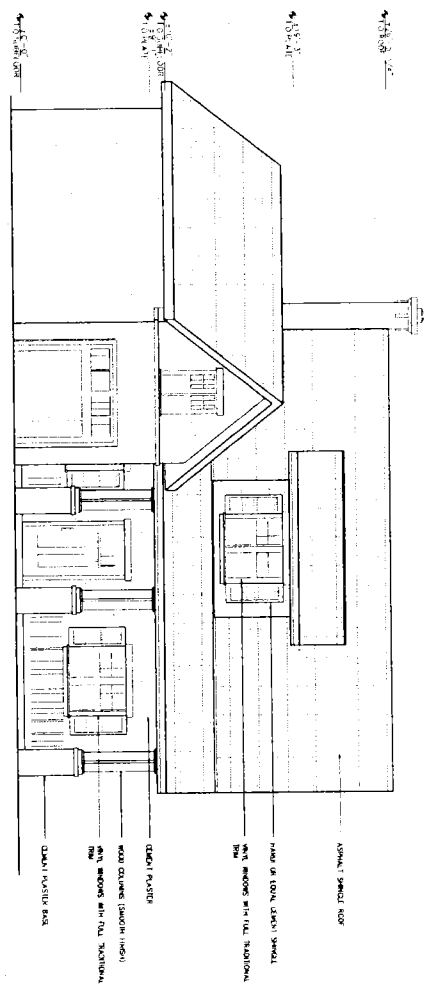
CHANTICLEER OAKS HOMES
1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062
ELEVATIONS LOT 1



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BY: [Signature]
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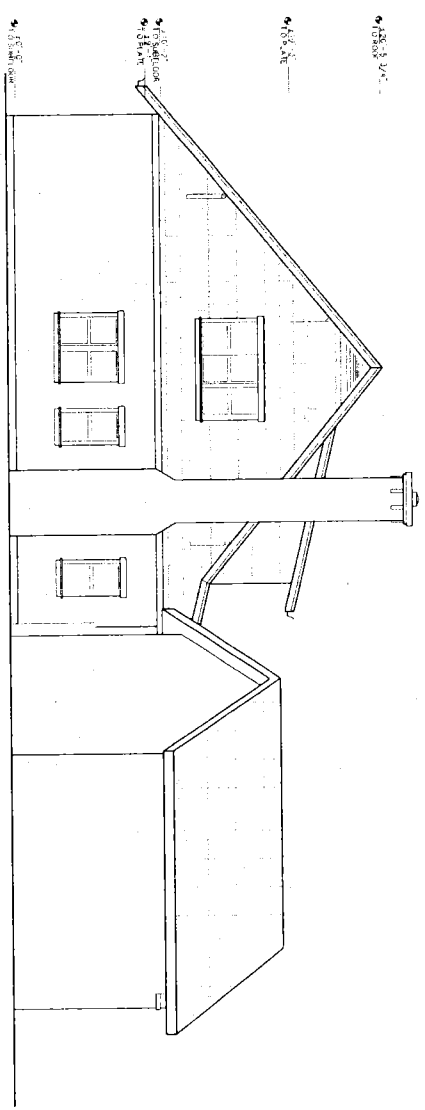
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1 FRONT ELEVATION
LOT 2

SCALE: 1/4" = 1'-0"



2 BACKYARD ELEVATION
LOT 2

SCALE: 1/4" = 1'-0"

SHAWNEE AVENUE HOME BUILDERS
1777 17TH AVENUE
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TEL: (831) 291-2286

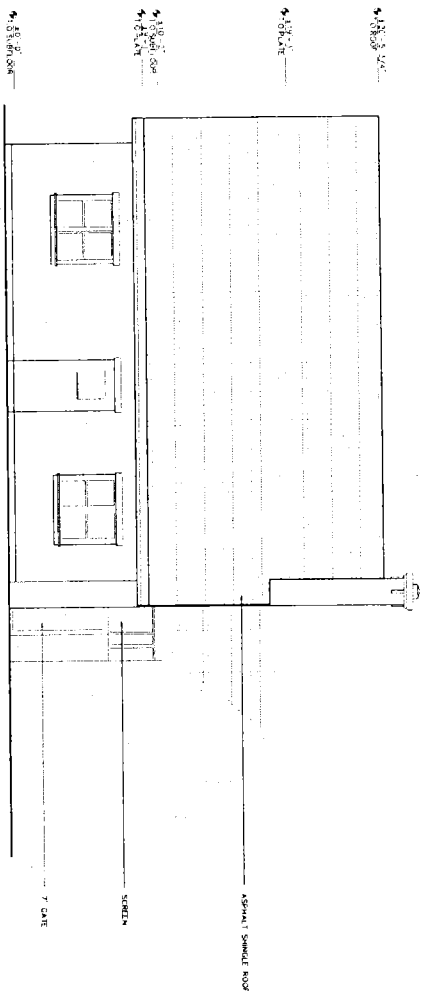
CHANTICLEER OAKS HOMES
1815 CHANTICLEER AVENUE
SANTA CRUZ, CA 95062
ELEVATIONS LOT 2



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SHEET: 1 OF 1

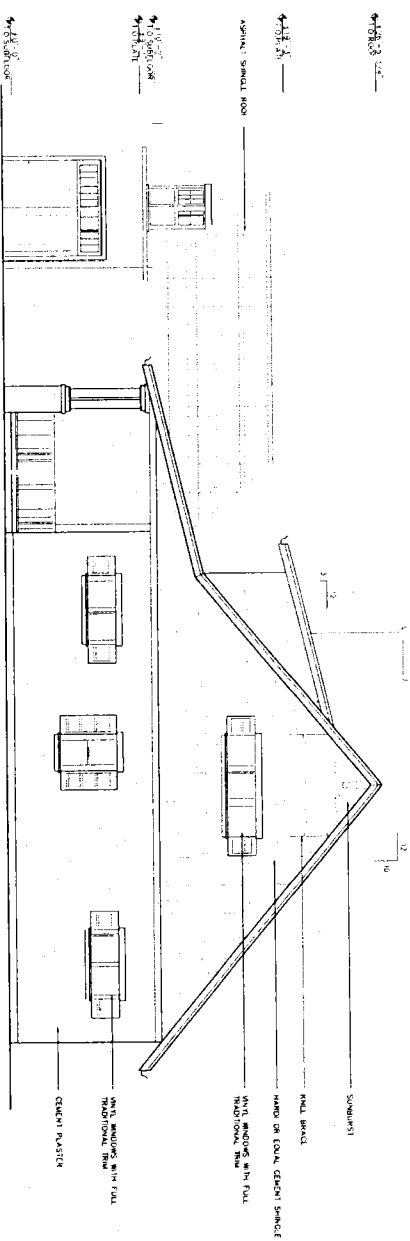
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1 BACK ELEVATION
LOT 2

SCALE 1/4" = 1'-0"



2 CUL-DE-SAC ELEVATION
LOT 2

SCALE 1/4" = 1'-0"



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CHANTICLEER OAKS HOMES
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SANTA CRUZ, CA 95062
ELEVATIONS LOT 2



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SCALE: 1/4" = 1'-0"

A 4.2b

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SUBDIVISION FINDINGS:

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

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

2. THAT THE PROPOSED SUBDIVISION, ITS DESIGN, AND ITS IMPROVEMENTS, ARE CONSISTENT WITH THE GENERAL PLAN, AND THE AREA GENERAL PLAN OR SPECIFIC PLAN, IF ANY.

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates four new single-family lots, located in the Residential, Urban Low General Plan designation. This designation allows a density range of 4.4 to 7.2 Units per Net Developable Acre (U/NDA), which corresponds to lot size requirements of 6,000 to 10,000 net square feet. The objective of this land use designation is to provide for lower density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed, the four residential units on 28,876 net developable square feet results in a density of 6.0 U/NDA and is therefore consistent with the General Plan.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcels created, including municipal water and sewer service. The land division will be served by a new cul-de-sac off of Chanticleer Avenue, to provide satisfactory access to the new parcels created by the project and will provide on street parking on one side of the street. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and, with proposed road improvements, will have adequate and safe vehicular access.

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

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

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-6 zone district where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new dwellings will comply with the development standards in the zoning

ordinance as they relate to setbacks, maximum parcel coverage, minimum site width, floor area ratio and minimum site frontage.

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

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

5. THAT THE DESIGN OF THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE NOR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

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

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

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcel, and these services will be extended to serve the new parcels created. The intersection of the proposed access road for this land division and Chanticleer Avenue is offset by about 30-feet from the intersection of Thomas and Chanticleer Avenue. This offset has been evaluated by a Traffic Engineer and reviewed by the Department of Public Works, demonstrating that the 30 foot intersection offset as proposed will not pose a significant risk to the general public due to the extremely low volumes of left turns expected at the new cul-de-sac and Thomas Avenue.

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

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from the proposed new cul-de-sac connecting to Chanticleer Avenue.

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

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

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

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed lot sizes meet the minimum dimensional standards for the R-1-6 zone district, and all development standards for the zone district will be met.

The re-designed single-family residences will be in harmony with the existing density and character of the surrounding neighborhood. The re-designed homes will utilize natural-appearing materials and colors that will harmonize with the landscape, and because the footprints are reduced from the originally-proposed residences, each home will be further away from the property lines and thus have a reduced visual impact on neighboring properties. The neo-craftsman style will harmonize well with the surrounding development in the vicinity and be appropriate to the neighborhood character. The house located at the corner of Chanticleer and the access road provides a detailed side yard façade facing Chanticleer, and white picket fencing along Chanticleer will not exceed 3 feet in height along the side yard setback along Chanticleer to enhance an open, inviting streetscape.

The land division has been configured to retain the two existing mature Live oak trees and to minimize the impacts to these trees to the greatest extent feasible. The retention of these trees will enhance the appearance of the project. The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

Development Permit Findings

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed residential development and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A soils engineering report has been completed to ensure the proper design and functioning of the proposed residences. The proposed residential development will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

An engineered drainage plan has been prepared for the project. The proposed drainage plan will not only handle the runoff generated by the increased impervious surfaces, but will also include drainage swales and inlets which will intercept the existing runoff that currently leaves the site and adversely affects the neighboring parcel to the southwest.

2. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL BE CONSISTENT WITH ALL PERTINENT COUNTY ORDINANCES AND THE PURPOSE OF THE ZONE DISTRICT IN WHICH THE SITE IS LOCATED.

The project site is located in the R-1-6 (Single- Family Residential - 6,000 square foot minimum) zone district. The proposed location of the residential development and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 zone district in that the primary use of the property will be one residential development that meets all current site standards for the zone district.

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

As discussed in Subdivision Finding #2, the project creates four new single-family lots and is located in the Residential, Urban Low General Plan designation. This designation allows a density range of 4.4 to 7.2 Units per Net Developable Acre (U/ND A), which corresponds to lot

size requirements of 6,000 to 10,000 net square feet. The objective of this land use designation is to provide for lower density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed, the four residential units on 28,876 net developable square feet results in a density of 6.0 U/NDA and is therefore consistent with the General Plan.

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the residential development will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed residential development will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed residential development will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a residential development on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be four (4) peak trips per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

The proposed residential development will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in the vicinity, in that the proposed structure is two stories, in a mixed neighborhood of both one and two story homes and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

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

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed residential development will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The existing mature oak trees have been incorporated into the design of the land division in order to retain these trees.

Roadway/Roadside Exception Findings

1. THE IMPROVEMENTS WOULD BE LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA AS SHOWN BY INFORMATION ON FILE IN THE PLANNING DEPARTMENT; AND THE IMPACTS CANNOT BE SATISFACTORILY MITIGATED;

The construction of a separated sidewalk along the proposed access road and cul-de-sac would adversely impact the root system of an existing mature oak tree. This additional disturbance would likely result in the decline of the tree's long-term health. The size of the tree and its visibility is an asset to the aesthetic design of the land division and neighborhood. The narrower right-of-way and road width and corner radius (northern corner) also result from designing the proposed access road and cul-de-sac to retain the two existing mature oak trees. The bulb to the north is necessary to minimize conflicts between the access road and a driveway immediately adjacent to it on the northern contiguous parcel. Without the roadway and roadside exceptions, the impacts the subdivision improvements would have on the mature oak trees could not be satisfactorily mitigated.

Conditions of Approval, Amendment # 111047

Exhibit A: Project plans, 24 sheets, including 14 sheets by Jeffrey R. Current, Licensed Architect, and 10 sheets by Joe L. Akers, Civil Engineer, dated March 10, 2011, and 1 sheet by Gregory Lewis, Landscape Architect, dated February 17, 2011.

- I. This permit authorizes an Amendment to Minor Land Division approval 04-0176, for the creation of four new parcels, construction of four new single-family residences and associated site infrastructure. All Conditions of Approval for Application 04-0176 remain in effect, except that Condition E.3.c is hereby deleted. All fees described in the 04-0176 Conditions of Approval shall be assessed at the rate in effect at the time of recordation. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions and the Conditions of Approval for 04-0176 have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. The applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

2. Grading, drainage, and erosion control plans.
 3. Details showing compliance with fire department requirements.
- B. Submit four copies of the approved final Conditions of Approval of Discretionary Permit 04-0176 and this permit. The Conditions of Approval shall be recorded prior to submittal.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense.

If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structures described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Alice Daly
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 111047
Assessor Parcel Number: 029-101-03
Project Location: 1815 Chanticleer Avenue

Project Description: Proposal for design changes and to reduce the size of the previously-approved single family dwellings, and to construct detached garages with a height of 21 feet, 11 inches.

Person or Agency Proposing Project: Jon Lee

Contact Phone Number: 831-475-7100

- 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: CEQA Section 15315: Minor Land Divisions

F. Reasons why the project is exempt:

Minor Amendment to a division of a parcel in an urbanized area with existing road access and utilities available.

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



Alice Daly, Project Planner

Date: 5/18/11

Conditions of Approval

Minor Land Division Permit 04-0176

Applicant: Stephen Graves and Associates

Property Owners: Gary and Judy Jones, Trustees

Assessor's Parcel Number(s): 029-101-03

Property Address and Location: 1815 Chanticleer Avenue, on the west side of Chanticleer Avenue at the intersection of Thomas Avenue

Planning Area: Live Oak

Exhibits:

- A. Tentative Map and Preliminary Improvement Plans, 3 sheets, prepared by Mid Coast Engineers, dated 4/20/04 last revised **1/20/06**, Neighborhood Concept Plan dated 8/3/04, last revised **1/12/06**

Architectural and floor plans prepared by Gary Jones 7/27/05;

Landscape Plans prepared by Greg Lewis, Landscape Architect, dated 4/20/04, last revised 7/13/05

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Permit Form to indicate acceptance and agreement with the conditions thereof, and
 - B. Record the Conditions of Approval on the Final Map. The conditions of approval shall be applicable to all resulting parcels.
 - C. **The property owner(s) shall sign and record the Indemnity Waiver within 30 days of the effective date of this permit. Submit proof that these Indemnity Waiver has been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).**
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the Tentative Map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
- A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws

relating to improvement of the property, or affecting public health and safety shall remain fully applicable.

- B. This land division shall result in no more than four (4) single-family residential lots.
- C. The minimum lot size shall be 6,000 square feet, net developable land.
- D. The following items shall be shown on the Parcel Map:
 - 1. Development envelopes and/or building setback lines located according to the approved Tentative Map. The building envelope shall meet the minimum setbacks for the R-1-6 zone district. Garages shall be a minimum of 20 feet from the edge of the sidewalk or from the edge of the right-of-way, whichever is the more restrictive setback.
 - 2. Show the net area of each lot to nearest square foot.
 - 3. The owner's certificate shall include:
 - a. An irrevocable offer of dedication to the County of Santa Cruz for improvements shown on the Tentative Map.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to City of Santa Cruz Water District.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
 - 3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in Exhibits "A" and shall also meet the following additional conditions:
 - a. Exterior finishes shall incorporate stucco side, wood shingles, and wood trim (painted in earth tones) with accents and details, as shown on the approved plans. T1-11 type wood siding is not permitted.
 - b. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-6 zone district. The development of any lot shall not exceed 30 percent lot coverage, or 50 percent floor area ratio, or other standards as may be established for the zone district.
 - c. ~~The south facing windows on the second story of the residence on Lot 3 and the north facing windows on the second story of the residence on Lot 4 shall utilize obscured glass or shall be clerestory windows.~~

- d. Lots 1, 2 and 4 shall have a minimum of three on-site parking spaces and Lot 3 shall have a minimum of four on-site parking spaces, including both covered and uncovered spaces.
 - e. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface (existing and final grades) and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.
 - f. For building sites containing fill placed as part of the land division improvements, the building height shall include the height of the fill above the original grade.
 - g. No fencing shall exceed three feet in height within the required front yard or street-side setbacks and shall not exceed six feet in height within the required interior side or rear yard setbacks.
 - h. Trimming or pruning of the oak trees on Lot 2 is prohibited, unless completed under the supervision of the project certified arborist.
 - i. **Prior to Building Permit issuance for the detached accessory structure on Lot 3, the owner shall record declarations of restrictions specifying the allowed uses for the non-habitable garage and the habitable accessory structure.**
4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations and to the tree preservation recommendations contained in the Arborist Report by Maureen Hamb:
- a. **Turf Limitation.** Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
 - b. **Plant Selection.** At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.

- i. Plantings are prohibited within the critical root zone of the two existing oak trees.
 - ii. The critical root zone of the existing oaks shall be treated with mulch, wood chips, river rock or other treatment as recommended by the project Arborist.
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
 - i. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
 - ii. Irrigation within the critical root zones established in the Arborist's Report is prohibited. Irrigation outside of the critical root zone, but under the dripline of each existing oak shall be limited to very low flow drip-type emitters.
 - iii. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
 - iv. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
 - v. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- e. All planting shall conform to the preliminary plan shown as part of Exhibit A, except that all trees planted adjacent to or in the public right of way

shall be 24" box in size and shall be selected from the suggested planting list in the Urban Forestry Master Plan. Also:

- i. All landscaping shall be permanently maintained by the property owner including any plantings within the County right of way along the frontage of the property.
 - ii. Any trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
 - iii. Notes shall be added to the improvement plans and the building permit plans that include all of the tree protection measures specified in the Arborist Report in order to protect the two existing oak trees during construction.
5. The final plans shall be consistent with the recommendation of the accepted soils report by Haro Kasunich, dated April 2003. Final plans shall reference the project soils report and soils engineer. A plan review letter from the project soils engineer is required.
6. The final plans shall be consistent with the recommendations of the accepted arborist report by Maureen Hamb, dated April 19, 2004. The final plans shall reference the project arborist report and include the arborist's name and contact number. A plan review letter from the project arborist is required.
7. Submit grading and drainage plans that include limits of grading, estimated earthwork, cross sections through all pads delineating existing and proposed cut and fill areas, existing and proposed grades, existing and proposed drainage facilities, and details of devices such as back drains, culverts, energy dissipaters, etc. Final drainage and grading plans shall incorporate the comments of David Sims dated April 15, 2005 and shall include the following:
 - a. The final drainage plan shall include a detention system.
 - b. Full detention design calculations and all maintenance agreements shall be submitted with the final improvement plans.
 - c. The final drainage plans shall incorporate the recommendations for drainage improvement locations and construction methods contained in the accepted Arborist Report.
 - d. The final grading plans shall include all tree protection measures including fencing locations and specifications set forth in the accepted Arborist Report.
 - e. Final grading plans shall provide cross sections showing the existing and proposed grades and the maximum fill depths through all building sites.

- f. The final grading plans shall be reviewed and approved by the Environmental Planning Section of the Planning Department and the Department of Public Works.
 - g. Zone 5 drainage fees will apply to the net increase in impervious surface.
- 8. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
- 9. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the location and type of erosion control practices and devices to be used and shall include the following:
 - a. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - b. Soil management that prevents loose material from leaving the site.
 - c. A plan to prevent construction vehicles from carrying soil, dirt, gravel, or other material onto public streets. The owner/applicant is responsible for cleaning the street should materials from the site reach the street.
 - d. Tree protection fencing and straw bales.
- 10. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.

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

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated December 30, 2004 including, without limitation, the following standard conditions:

1. Submit and secure final approval of an engineered sewer improvement plan showing on-site and off-site sewers needed to provide service to each lot proposed. The improvement plan shall conform to the County's "Design Criteria" and shall also show any roads and easements.
 2. All existing and proposed easements shall be shown on the Final Map.
 3. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district, if applicable.
- C. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- D. Engineered improvement plans are required for this land division, and an agreement backed by financial securities is necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
1. All improvement plans shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations, and cross-sections for the grassy lined swales. The plans shall show construction details for the detention system. The detention system should include safe overflow and bypass provisions. Describe all paths of runoff.
 3. The final improvement plans shall be consistent with the recommendations of the accepted arborist report by Maureen Hamb, dated April 19, 2004. The final plans shall reference the project arborist report and include the arborist's name and contact number. A plan review letter from the project arborist is required.
 4. Plans shall comply with the accepted soils report by Haro Kasunich, dated April 2003. Plan review letters shall be submitted as needed to verify that the plans are in compliance with geotechnical recommendations.
- E. Engineered improvement plans for all water line extensions, if required by City of Santa Cruz, shall be submitted for the review and approval of the water agency.
- F. A street lighting plan shall be submitted and installed.

- G. All requirements of the Central Fire District shall be met as set forth in the District's letter dated **November 1, 2005**.
- H. Park dedication in-lieu fees shall be paid for four (4) dwelling units (with four bedrooms each) and one additional bedroom (habitable accessory structure). These fees are \$4,000 per unit and \$1,000 for the habitable accessory structure, but are subject to change.
- I. Transportation improvement fees shall be paid for four (4) dwelling units and one additional bedroom (habitable accessory structure). These fees \$2,000 per unit and \$667 per additional bedroom, but are subject to change.
- J. Roadside improvement fees shall be paid for four (4) dwelling units and one additional bedroom (habitable accessory structure). These fees are \$2,000 per unit and \$667 per additional bedroom, but are subject to change.
- K. Child Care Development fees shall be paid for four (4) dwelling units and one additional bedroom (habitable accessory structure). These fees \$436 per unit (which assumes four bedrooms at \$109 per bedroom), but are subject to change.
- L. A credit in the Capital Improvement fees may be granted for the original dwelling, if proof of its legality and the number of bedrooms are provided.
- M. Inclusionary Housing In-lieu Fee for Small Residential Projects shall be paid for two (2) new dwelling units. These fees are \$10,000 per unit, but are subject to change.
- N. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- O. A Road and Drainage Maintenance Agreement shall be recorded on the deeds of all parcels for maintenance of retention structures, the drainage system, silt and grease traps, private access road and cul-de-sac (if not accepted by the County) and landscaping in the public right of way and along the north street road. Prior to recordation, this agreement shall be approved by the Planning Department and County Counsel, and shall include details on funding mechanisms to perform the required maintenance.**
- P. The owner shall record an easement for the benefit of the adjacent parcel APN 029-281-12 to provide future ingress, egress and utilities and allowing all necessary construction access as part of any future land division of the above referenced parcel. The easement shall be granted at no cost to the property owner of APN 029-281-12. The property owner/developer of APN 029-281-12 shall be responsible for his/her construction and costs of with new improvement associated with the division of APN 029-281-12. Proof of recordation of this easement is required.**

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

- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be

coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria.

- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation; and
 - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
- F. Construction of improvements shall comply with the requirements and recommendations of the accepted soil report by Haro Kasunich, dated April 2003. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with any geotechnical recommendations.
- G. Construction of improvements and landscaping adjacent to the two oak trees shall comply with the requirements and recommendations of the accepted arborist report by Maureen Hamb, dated April 19, 2004. The arborist engineer shall supervise any trenching within the trees' driplines and shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with any report recommendations.
- H. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- I. The health of the oak trees shall be evaluated by the project arborist within six months of completion of the land division improvements for health and long-term viability.

- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- A. The health of the oak tree adjacent to the cul-de-sac shall be monitored by the project arborist shall be monitored for a one-year period of time for health and vigor.
- B. Any oak that dies or is removed shall be replaced by a minimum of one 36-inch box live oak tree.
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

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

Approval Date: February 8, 2006
Effective Date: February 22, 2006
Expiration Date: February 22, 2008

Cathy Graves
Planning Commission Secretary

Cathleen Carr
Project Planner

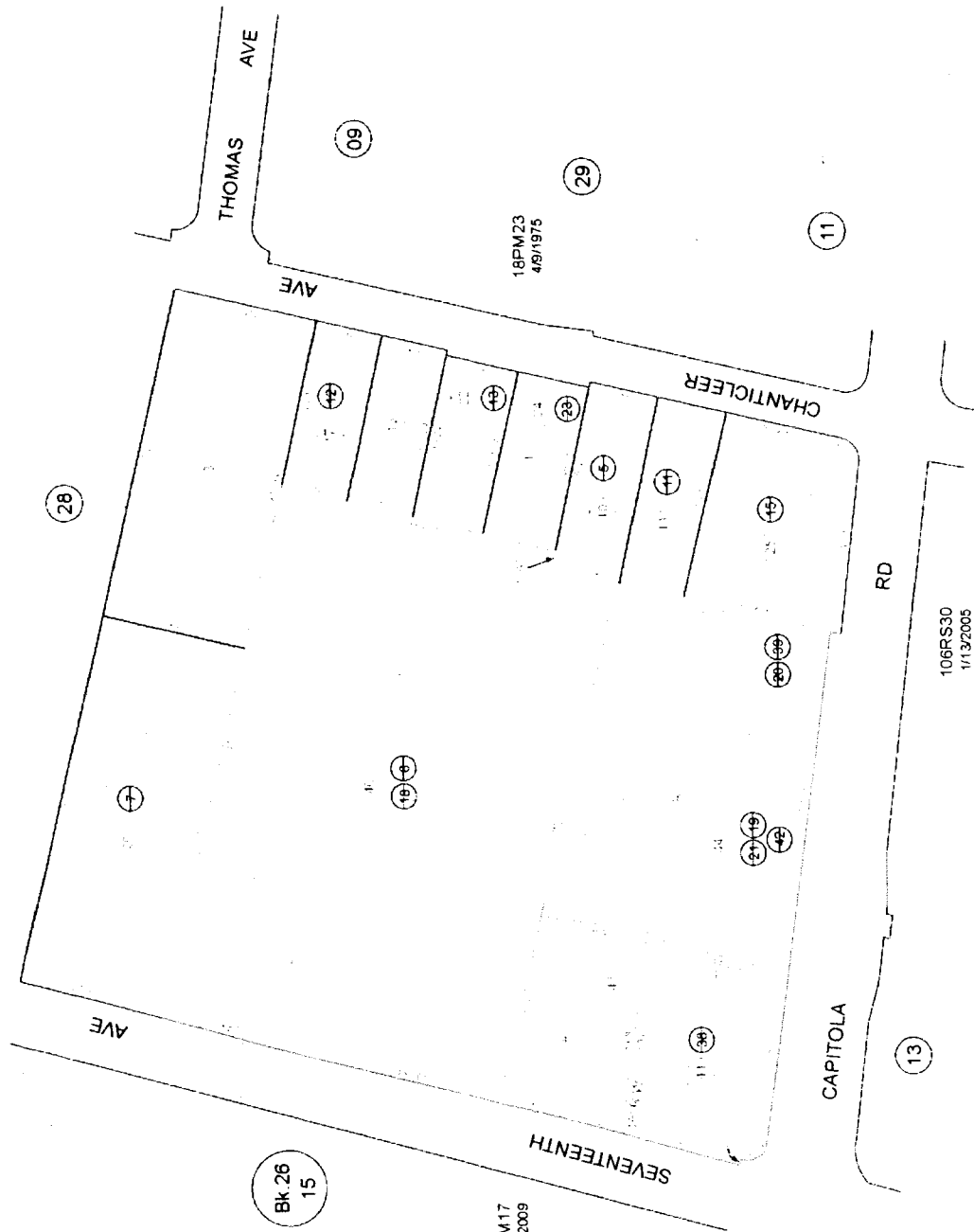
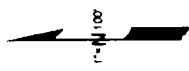
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

29-10

Tax Area Code
82-040

POR. OF SEC. 16 & 17,
T.11S., R.1W. M.D.B. & M.

FOR TAX PURPOSES ONLY
THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT
WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION
CONTAINED HEREIN. THE COUNTY ASSUMES NO LIABILITY FOR
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Assessor's Map No. 29-10
County of Santa Cruz, Calif.
Sept 1995

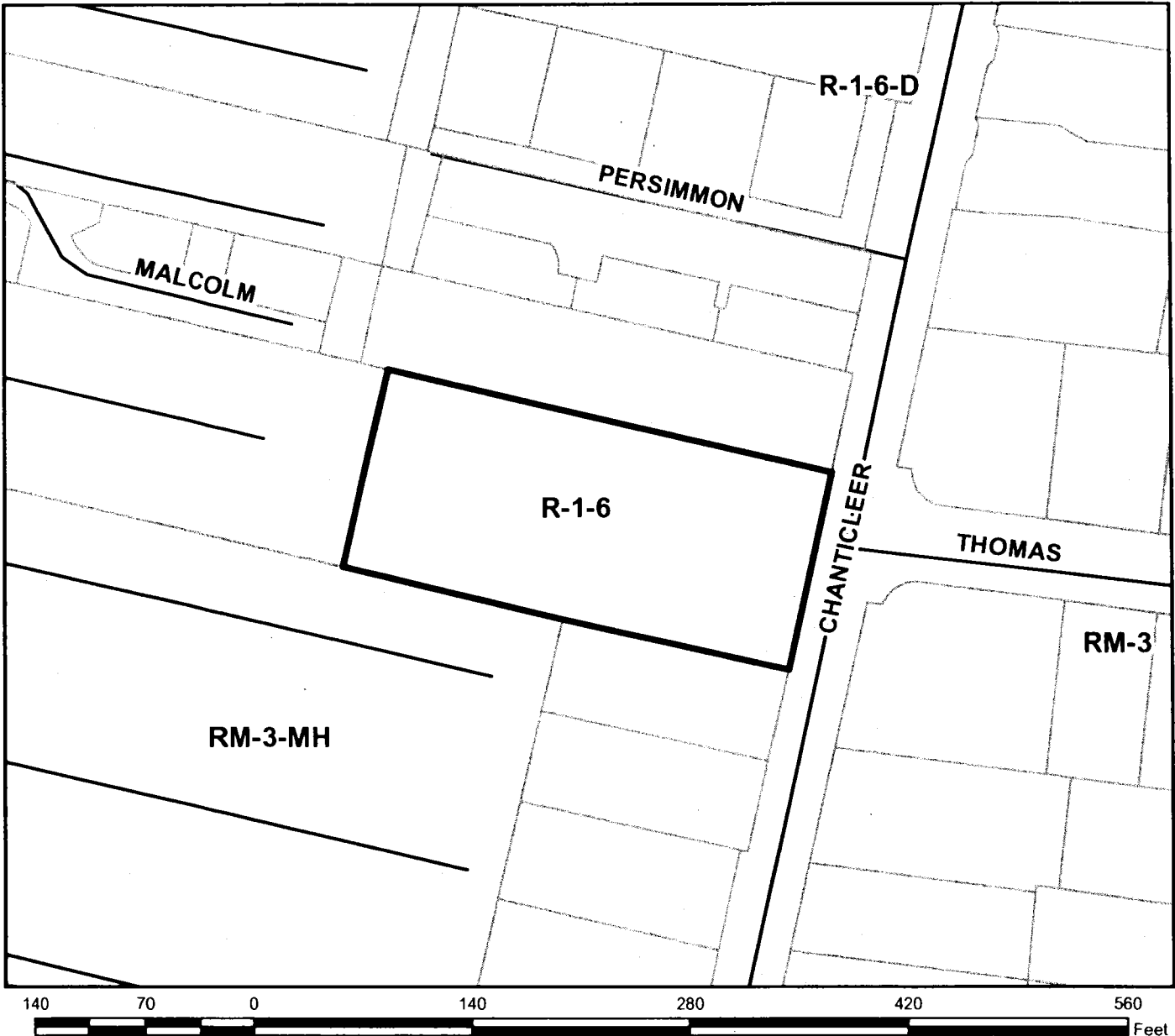
Note - Assessor's Parcel & Block
Numbers Shown in Circles

Electronically drawn 9/7/95 KSA
Rev 5/12/98 m (TCA CONSOLIDATION)
Rev 4/9/01 mwm (changed page refs.)
Rev 8/20/04 DD (4-0008172) to m 11.38 & 19)
Rev 12/6/04 mwm (4-00042192) 3 94, 18A 1 40 to 43)
Rev 3/23/06 mwm (1106RS30)
Rev 6/8/09 CB (61PM17 Sp 1.43 & 44)




EXHIBIT 2



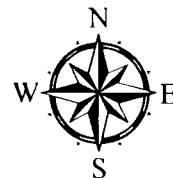
Zoning Map



LEGEND

-  APN: 029-101-03
-  Assessors Parcels
-  Streets

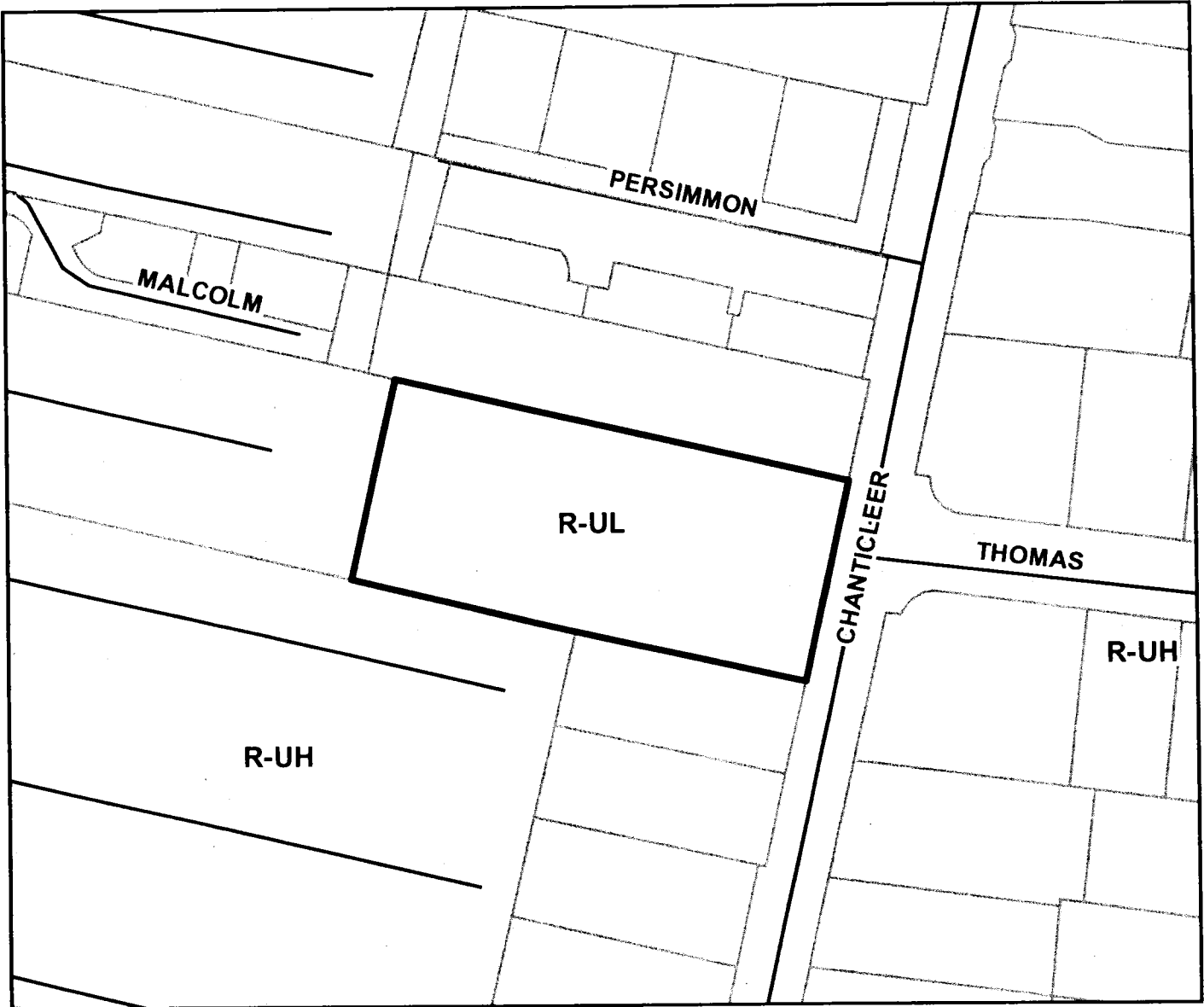
RESIDENTIAL-SINGLE FAMILY
RESIDENTIAL-MULTI FAMILY



Map Created by
County of Santa Cruz
Planning Department
May 2011



General Plan Designation Map



LEGEND



APN: 029-101-03



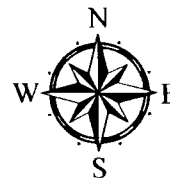
Assessors Parcels



Streets

Residential - Urban Low Density

Residential - Urban High Density



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May 2011