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## Staff Report to the Zoning Administrator

Application Number: **05-0003**

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**Applicant:** Edward Hickey  
**Owner:** Edward Hickey  
**APN:** 046-251-08

**Agenda Date:** May 20, 2005  
**Agenda Item #:** 4  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to cut about 213 cubic yards and fill about 288 cubic yards to construct a driveway to an existing single-family dwelling.

**Location:** Property located on the south side of Crest Drive, about 800 feet from San Andreas Road, at 55 Crest Drive in Watsonville.

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

**Permits Required** Coastal Development Permit, Preliminary Grading approval

### Staff Recommendation:

- Approval of Application 05-0003, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

### Exhibits

- |    |  |    |  |
|----|--|----|--|
| A. | Project plans                              | G. | Comments & Correspondence  |
| B. | Findings                                   | H. | Letter of March 7, 2005 from Edward Hickey with attached grant of easement |
| C. | Conditions                                 | I. | Building permit history  |
| D. | Categorical Exemption (CEQA determination) | J. | Biotic Assessment 4/13/05  |
| E. | Assessor's parcel map, Location map        |    |  |
| F. | Zoning map, General Plan map               |    |  |

### Parcel Information

Parcel Size: 4.9 acres  
Existing Land Use - Parcel: Single-family residence  
Existing Land Use - Surrounding: Single-family residences, commercial agriculture  
Project Access: San Andreas Road to Crest Drive  
Planning Area: San Andreas

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Land Use Designation: A (Agriculture)  
Zone District: CA (Commercial Agriculture)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Baywood loamy sand, Elder sandy loam  
Fire Hazard: Not a mapped constraint  
Slopes: 2 – 15 percent  
Env. Sen. Habitat: Mapped/no physical evidence on site  
Grading: Balanced grading proposed on site, import 75 cubic yards  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped resource, not visible from the beach or San Andreas Road  
Drainage: Existing drainage adequate  
Traffic: No significant impact  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Not mapped no physical evidence on site

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: San Andreas Mutual Water Company  
Sewage Disposal: Private septic system  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Non-zone

### History

Building Permits #60058, 59, 60 were issued and received final inspection for the 2-story single-family dwelling, carport, and workshop in 1979 (Exhibit I). Access to the property from San Andreas Road was by way of a 15-foot easement across APN 046-251-20, off the 40-foot Crest Lane right-of-way, which has expired (Exhibit H).

### Project Setting

The project is located in the San Andreas Planning Area. The immediate vicinity is developed with low density single-family residences and commercial agriculture (Exhibit F).

### Zoning & General Plan Consistency

The subject property is a 4.9-acre parcel, located in the CA (Commercial Agriculture) zone district, a designation which allows residential uses. The proposed driveway is accessory to the principal permitted residential use within the zone district and the project is consistent with the site's (A)

Agriculture General Plan designation, which allows for one single-family residence per parcel as per County Code Section 13.10.312. The existing residence was constructed with all required permits in 1979 with an existing easement for access, which expired in 1989 with an extension to 1994. No further extension to the easement was permitted after the sale of the property to any other person. On termination of the easement, a new driveway was to be constructed to obtain access to the existing residence from Crest Drive (Exhibit H).

### **Local Coastal Program Consistency**

The proposed driveway is in conformance with the County's certified Local Coastal Program, in that the driveway is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The driveway is located at the extreme northeastern side property line to reduce the amount of land to be removed from potential production, as per General Plan policy 5.13.27. Developed parcels in the area contain single family dwellings, and are accessed with driveways similar to that under consideration. The design submitted is not inconsistent with the existing development. Although the project site is located between the shoreline and the first public road, it is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public access to the coastline is available at Sunset State Beach in the project vicinity.

### **Environmental Review**

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA).

### **Conclusion**

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

### **Staff Recommendation**

- **APPROVAL** of Application Number **05-0003**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Application #: 0003  
APN: 046-251  
Owner: Edward Hickey

Report Prepared By: **Joan Van der Hoeven, AICP**  
**Santa Cruz County Planning Department**  
**701 Ocean Street, 4th Floor**  
**Santa Cruz CA 95060**  
Phone Number: **(831)454-5174**  
E-mail: [pln140@co.santa-cruz.ca.us](mailto:pln140@co.santa-cruz.ca.us)

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned CA (Commercial Agriculture), a designation which allows residential uses. The proposed driveway is accessory to the one single-family residence on site, which is a principal permitted use within the zone district, consistent with the site's (A) Agriculture General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

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

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of style and materials; the site is surrounded by lots developed to an urban density; the finish shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that although the project site is located between the shoreline and the first public road, the driveway will not interfere with public access to the beach, ocean, or any nearby body of water. Public coastal access is available at Sunset State Beach in the project vicinity. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the driveway is sited and designed to be visually compatible with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the CA (Commercial Agriculture) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain driveways to access existing single family dwellings. Size and architectural

styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The proposed driveway is located on the perimeter of the parcel to remove as little land as possible from potential agricultural production, consistent with General Plan policy 5.13.27.

### **Development Permit Findings**

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology and the County Public Works Design Criteria to insure the optimum in safety and the conservation of energy and resources. The proposed driveway will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the driveway and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the CA (Commercial Agriculture) zone district in that the primary use of the property remains one single-family residence that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the continued residential use is consistent with the use and density requirements specified for the Agriculture (A) land use designation in the County General Plan.

The proposed driveway 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 driveway 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 driveway 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 driveway will comply with the site standards for the CA zone district and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity. The proposal is consistent with General Plan policy **5.13.27** in that the proposed driveway is located at the perimeter of the property to remove as little land as possible from production.

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

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

This finding can be made, in that the proposed driveway is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be remain at 1 peak **trip** per dwelling unit, and as such will not adversely impact existing roads and intersections in the surrounding area of Crest Drive and San Andreas Road.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed driveway is consistent with the land use intensity and density of the neighborhood.

## Conditions of Approval

Exhibit A: 3 sheets by Bowman & Williams Consulting Engineers, dated 4 Jan 2005

- I. This permit authorizes the construction of a driveway. 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 Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Grading Permit the applicant/owner shall:
  - A. Submit Final 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. The final plans shall include the following additional information:
    1. Grading, drainage, and erosion control plans.
    2. Details showing compliance with fire department requirements
  - B. Meet all requirements of and pay any required drainage fees to the County Department of Public Works, Drainage.
  - C. No grading or fill is allowed in the area of the existing septic leach field or the future expansion field.
  - D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- III. All construction shall be performed according to the approved plans for the Grading Permit. Prior to final inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Grading plans shall be installed.
  - B. All inspections required by the grading permit shall be completed to the satisfaction of the County Building Official.
  - C. 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.

- D. Development shall be confined to the elements shown on the plans (Bowman & Williams, Jan 2005) in the location shown. Any disturbance outside of the approved area will require a separate assessment of the area of any additional proposed disturbance.
- E. A qualified biologist shall be on site to monitor initial clearing and grading. If any Santa Cruz Long Toed Salamander or California Red Legged Frogs are identified, the work must be temporarily halted and the US Fish and Wildlife Service consulted for direction and relocating of the animals.

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.

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

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

Approval Date: 5/20/05

Effective Date: 6/03/05

Expiration Date: 6/03/07

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Don Bussey  
Deputy Zoning Administrator

Joan Van der Hoeven  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 05-0003  
Assessor Parcel Number: 046-251-08  
Project Location: 55 Crest Drive, Watsonville

**Project Description: Proposal to construct a driveway to an existing single-family dwelling**

**Person or Agency Proposing Project: Edward Hickey**

**Contact Phone Number: (408) 736-4938**

- 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: Class 3 - Minor Alterations to land (Section 15304)

**F. Reasons why the project is exempt:**

Minor alterations to land - cut 213 cubic yards and fill 288 cubic yards to grade a private driveway to an existing single-family residence

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

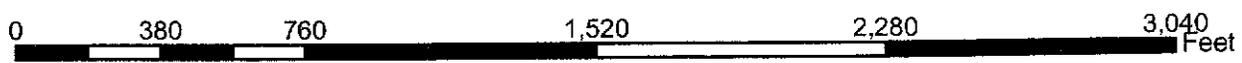
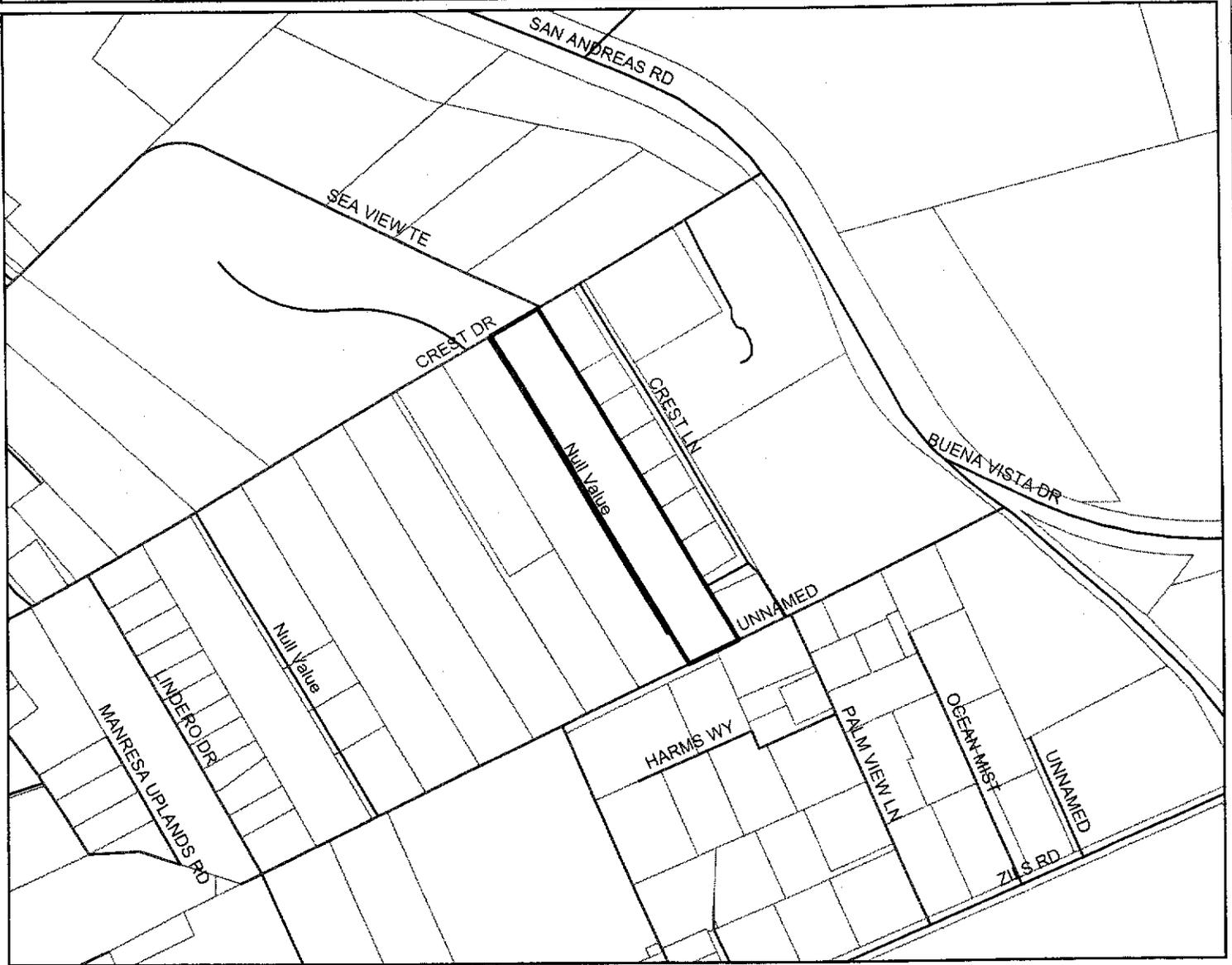
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Joan Van der Hoeven, Project Planner

Date: May 20, 2005

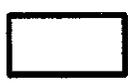


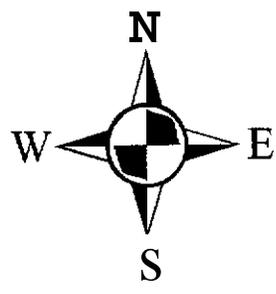


# Location Map for APN 046-251-08



### Legend

-  APN 046-251-08
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  LAKE
-  PERENNIAL STREAM



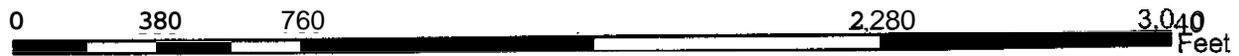
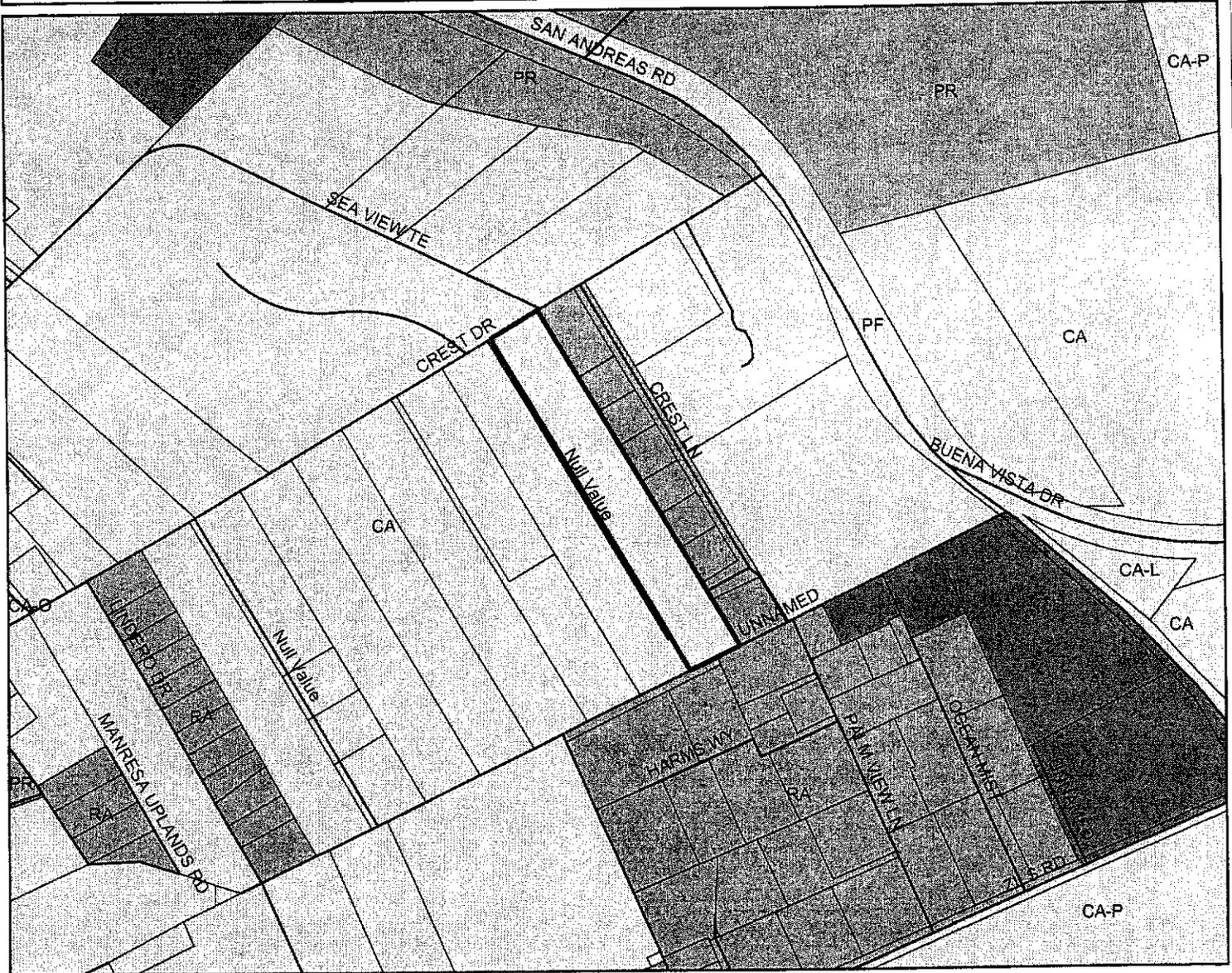
Map Created by  
County of Santa Cruz  
Planning Department  
January 2005

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EXHIBIT E

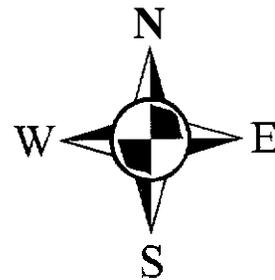


# Zoning Designation Map



## Legend

-  APN 046-251-08
-  Assessors Parcels
-  Streets
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)
-  AGRICULTURE RESIDENTIAL (RA)
-  PARK (PR)

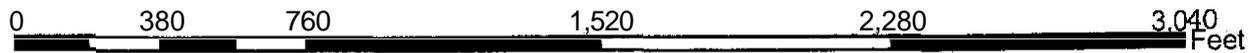
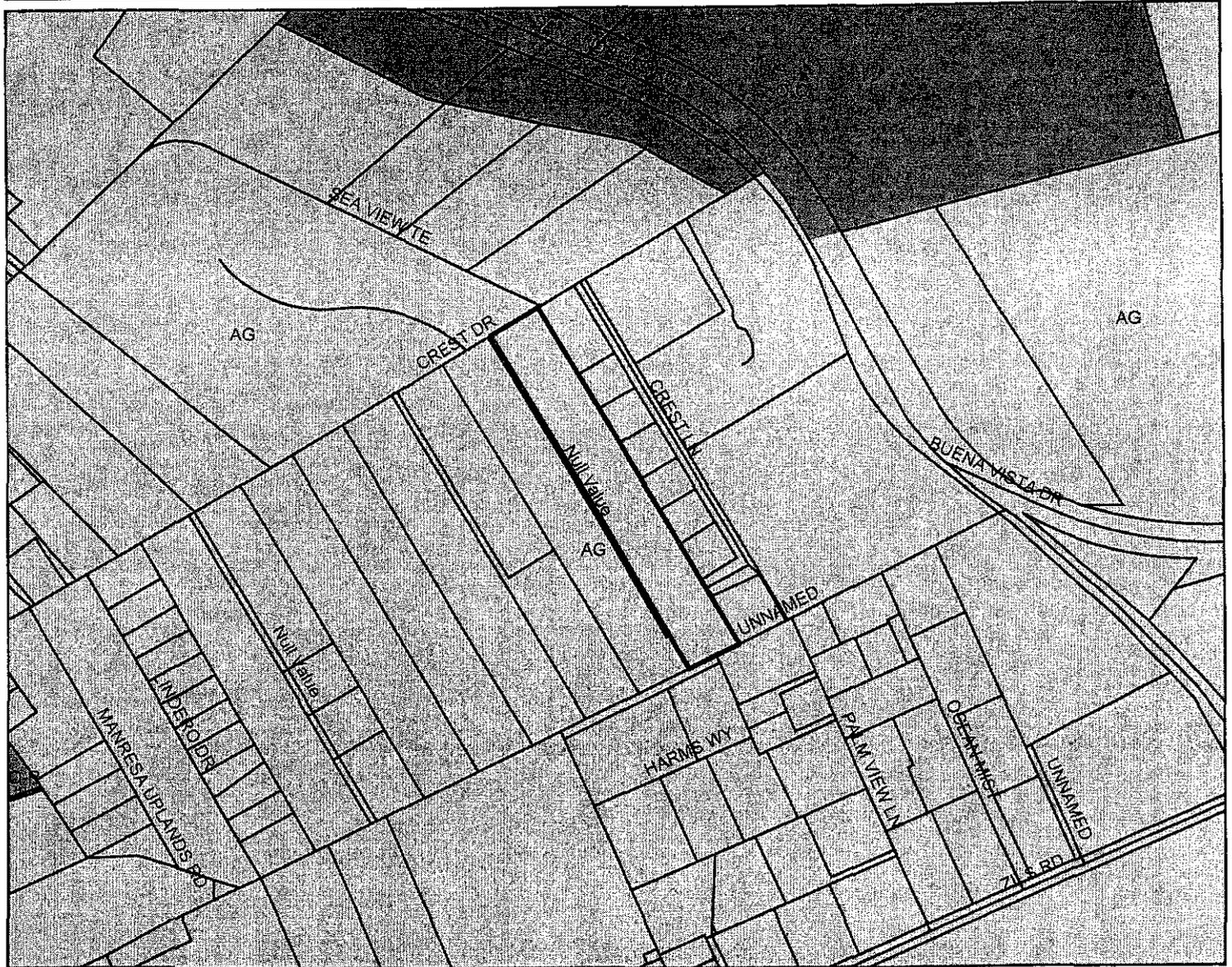


Map Created by  
County of Santa Cruz  
Planning Department  
January 2005

**EXHIBIT F**

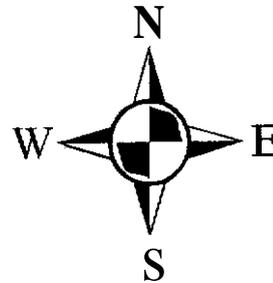


# General Plan Designation Map



### Legend

-  APN 046-251-08
-  Assessors Parcels
-  Streets
-  Agriculture (AG)
-  Parks and Recreation (O-R)
-  Resource Conservation (O-C)



Map Created by  
 County of Santa Cruz  
 Planning Department  
 January 2005

**EXHIBIT F**

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

Project Planner: Joan Van Der Hoeven  
Application No. : 05-0003  
APN: 046-251-08

Date: April 11, 2005  
Time: 14:49:55  
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JANUARY 14, 2005 BY KENT M EDLER ===== This application is complete as far as grading is concerned if the applicant does not have or no longer has legal right to use the existing access through parcel 046-251-30.

Environmental Planning Miscellaneous Comments

- ===== REVIEW ON JANUARY 14, 2005 BY KENT M EDLER =====
1. The limits of grading should extend around the drainage spreader pits.
  2. The minimum driveway centerline radius should be 35'. It is less than this at the intersection with Crest Drive.
  3. The location of the straw bales or silt fences (especially) should not be placed at the toe of the slopes. They should be set beyond the toe. I also recommend the use of straw wattles rather than silt fence or straw bales.

Project Review Completeness Comments

===== REVIEW ON FEBRUARY 3, 2005 BY JOAN VAN DER HOEVEN =====  
Provide recorded documentation verifying termination of access along Crest Lane.

Project Review Miscellaneous Comments

===== REVIEW ON FEBRUARY 3, 2005 BY JOAN VAN DER HOEVEN =====  
General Plan Policies CA land, coastal zone - remove as little land as possible from potential ag production, minimize grading. Investigate the use of pervious paving material to maximize potential groundwater recharge.

Dpw Drainage Completeness Comments

===== REVIEW ON JANUARY 26, 2005 BY DAVID W SIMS =====  
The proposed stormwater management plan is approved for discretionary stage Stormwater Management review. Please see miscellaneous comments for items to be addressed in the building application stage.

Dpw Drainage Miscellaneous Comments

===== REVIEW ON JANUARY 26, 2005 BY DAVID W SIMS =====  
1) An engineered stormwater management plan was submitted with the application, and was reviewed for completeness of discretionary development and compliance with County policies listed below. The application has either met these policies, or is given an exception justified by the level of development proposed relative to parcel size, and the presence of very high infiltrative soils that mitigate runoff impacts.

General Plan policies: 5.8.4 Drainage Design in Primary Groundwater Recharge Areas  
7.23.1 New Development 7.23.2 Minimizing Impervious Surfaces 7.23.5 Control Surface Runoff

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven  
Application No.: 05-0003  
APN: 046-251-08

Date: April 11, 2005  
Time: 14:49:55  
Page: 2

2) The Stormwater Management section would prefer to see home site access made from Crest Lane or from creation of an agreement for the sharing and upgrading of the existing driveway on parcel 046-251-07, if either of these routes is available. This would avoid the extensive length of an entirely new driveway, and thereby address policy 7.23.2 Minimizing Impervious Surfaces. Additionally, if the project parcel were ever subdivided, these other access roads would form a road layout that was more efficient in the number of homes served, forming a block of homes with rear yards positioned back to back, and maximizing available parcel space. If a change is made to the project reflecting this item the application should be rerouted.

3) Can the outfall location of the lower elevation slope infiltration practice be shifted to a point that shortens the trenching length, and where the down slope infiltration field is not located on a concave slope area that narrows and focuses any sheet flow patterns?

4) The section drawing for the "spreader pit detail", shows the perforated pipe laid on the surface, while notes for drain rock cover and liner fabric suggest that the pipe is to be sub-surface. Please clarify. The perforated pipe should be provided with means for cleanout.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON FEBRUARY 9, 2005 BY RUTH L ZADESKY =====  
No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON FEBRUARY 9, 2005 BY RUTH L ZADESKY =====  
No comment.

Environmental Health Completeness Comments

===== REVIEW ON JANUARY 24, 2005 BY JIM G SAFRANEK ===== In general, no grading or fill over existing leachfield or future expansionfield. Also, EHS fee for EH Dev. Permit on Septic is \$462, not \$231. Remainder due.

Environmental Health Miscellaneous Comments

===== REVIEW ON JANUARY 24, 2005 BY JIM G SAFRANEK =====  
NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

===== REVIEW ON FEBRUARY 25, 2005 BY ERIN K STOW =====  
DEPARTMENT NAME:Aptos/La Selva Fire Dept. APPROVED  
All Fire Department building requirements and fees will be addressed in the Building Permit phase.  
Plan check is based upon plans submitted to this office. Any changes or alterations

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven  
Application No. : 05-0003  
APN: 046-251-08

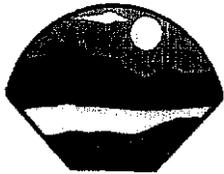
Date: April 11, 2005  
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Page: 3

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shall be re-submitted for review prior to construction

**Aptos-La Selva Beach Fire Prot Dist Miscellaneous**

===== REVIEW ON FEBRUARY 25, 2005 BY ERIN K STOW =====  
NO COMMENT



## Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003  
Phone # 831-685-6690 • Fax # 831-685-6699

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February 25, 2005

Planning Department  
County of Santa Cruz  
Attention: Joan Van der Hoeven  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: APN: 46-251-08 / Appl #05-0003  
55 Crest Drive

Dear Ms. Van der Hoeven:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

- Any other requirements will be addressed in the Building Permit phase
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Sincerely,

Jim Dias, Fire Marshal  
Fire Prevention Division  
Aptos/La Selva Fire Protection District

Cc: Edward Hickey  
1015 High Street  
Palo Alto, CA 94301

March 7, 2005

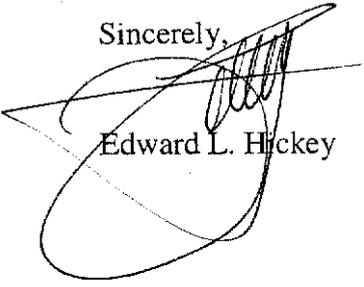
Attn: Joan Van der Hoeven

Re: 55 Crest Dr., La Selva Beach – Parcel 46-251-08 – Application #05-0003

Dear Joan:

Enclosed find the lapsed easement between William & Celia Leary (previous owners of 55 Crest Dr) and Robert and Katharine McElroy. The best I can tell the original easement was executed in October 1, 1979 for a period of ten years. It was extended in 1989 for another five years until September 30, 1994. Celia Leary continued to enjoy the use of the easement until August 2004 when she sold the property to us. As you can see in the easement document, it lapsed upon the sale of the property.

Sincerely,



Edward L. Hickey

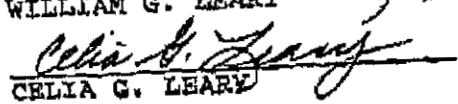
AMENDMENT AND EXTENSION OF GRANT OF EASEMENT

The undersigned ROBERT T. McELROY and KATHARINE JEAN McELROY, husband and wife, and WILLIAM G. LEARY and CELIA G. LEARY, husband and wife, entered into an agreement dated November 26, 1979, by which agreement McELROY granted to LEARY a fifteen (15) foot right-of-way and easement, which right-of-way and easement was to terminate at the end of ten (10) years from and after October 1, 1979. Said agreement contemplated the possible extension of the term of said right-of-way and easement in the event of agreement by all of the parties thereto, It is hereby agreed that the term of said easement and right-of-way is hereby extended for an additional five years, ending September 30, 1994. McElroy will consider possible extension of the term of said easement if on September 30, 1994 WILLIAM G. LEARY or CELIA G. LEARY continue to own and occupy the parcel of land commonly known as Santa Cruz County Assessor's Parcel Number 46-251-8, as their principal residence. In the event of the sale or other transfer of the title to said parcel to any other person, or in the event that neither WILLIAM G. LEARY or CELIA G. LEARY occupies the residence on said parcel of land presently owned by LEARY, the the said grant of easement and road maintenance agreement as hereby extended, shall not be further extended. On terminati:

of the grant of easement WILLIAM G. LEARY and CELIA G. LEARY or their successors or assigns shall forthwith construct their own driveway from Crest Drive. The undersigned WILLIAM G. LEARY and CELIA G. LEARY, agree to pay all of the costs of preparation of this extension agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment and Extension of Grant of Easement this 7<sup>th</sup> day of April, 1989.

  
ROBERT T. MCELROY  
  
KATHARINE JEAN MCELROY

  
WILLIAM G. LEARY  
  
CELIA G. LEARY

GRANT OF EASEMENT AND ROAD MAINTENANCE AGREEMENT

The parties hereto, ROBERT T. McELROY and KATHERINE JEAN McELROY, husband and wife, hereinafter referred to as McELROY, and WILLIAM G. LEARY and CELIA G. LEARY, husband and wife, hereinafter referred to as LEARY, do hereby agree as follows:

McELROY is the owner of a parcel of Land in Santa Cruz County being Santa Cruz County Assessor's Parcel Number 46-251-20, and LEARY is the owner of a parcel of Land in Santa Cruz County, being Assessor's Parcel Number 46-251-8.

McELROY does hereby grant to WILLIAM G. LEARY and CELIA G. LEARY, husband and wife, and to their heirs, successors and assigns an easement over said Assessor's Parcel Number 46-251-20 for ingress and egress by a 23' manner of vehicles for LEARY and all guests and business visitors of LEARY for access to and from Assessor's Parcel Number 46-251-e# and for all utility purposes, said easement to be fifteen (15) feet wide and to be at right angles to the forty (40) foot right-of-way, it being understood that the said easement forty (40) feet in width has its southwest boundary along the northeast boundary of the parcels of real property referred to as parcels 3, 6, 9, 12, 15, 18 and 21 on Exhibit "A" attached hereto and incorporated herein by reference. Said fifteen (15) foot right-of-way and easement shall continue for a period of ten (10) years, from and after October 1, 1979.

At the end of said ten (10) year period, both of the parties hereto or their successors or assigns, shall consider the possibility of extending said easement for an additional period

of time. The duration and conditions to be attached to any such possible extended term of said easement shall be determined by mutual agreement of the parties hereto or their successors or assigns. In the event that the parties hereto cannot by negotiation agree upon all of the terms of any such renewal or extension of the term of said easement, the said easement shall expire at the end of said period of ten (10) years after October 1, 1979 and said right-of-way and easement shall thereupon terminate and expire and be of no further effect.

LEARY does hereby agree throughout the ten (10) year term of this easement to pay his prorata share of any costs of construction, maintenance and repair of the roadway on said right-of-way among all of the owners of parcels subject to the Road Maintenance Agreement dated July 24, 1972 executed by ROBERT T. McELROY and KATHAR JEAN McELROY, computed in accordance with the formula for apportionment set forth in said Road Maintenance Agreement.

With respect to the cost of construction, maintenance and repair of said roadway heretofore contracted for, LEARY agrees to pay as his share of said expenses the sum of Eight Hundred Thirty-Four Dollars and Sixty-Five Cents (\$834.65) and LEARY further agrees to pay, one-half (1/2) the share allocated to the unimproved parcel of McELROY, such one-half (1/2) share being the sum of Four Hundred and Seventeen Dollars and Thirty-Three (\$417.33).

LEARY does hereby agree that any utilities installed by him will be installed at the edge of said ten (10) foot right-of-way and not under any existing paving and further agrees that any work of construction done or contracted to be done by LEARY on the

manner and on completion of said work, all excess dirt and debris shall be removed from the said right-of-way so that, it shall be left in a neat and clean condition.

IN WITNESS WHEREOF, the parties hereto have executed this Grant of Basement and Road Maintenance Agreement this \_\_\_ day of November, 1979.

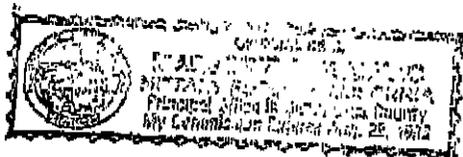
ROBERT T. MCELROY

KATHARINE JEAN MCELROY

WILLIAM G. LEARY

STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ ss.

On this 26th day of November, in the year one thousand hundred and 79 before me, MARJORIE RADALYA a Notary Public, State of California, duly commissioned and sworn, he appeared WILLIAM G. LEARY and CELIA G. LEAR



known to me to be the person s... whose name ... subscribed to an instrument and acknowledged to me that ... they ... executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and aff official seal in the County of Santa Cruz, the day in this certificate first above written.

Notary Public, State of California

8/22/83

My commission expires

This document is only a general form which may be proper for use in simple transactions and in no way act, as a substitute for the advice of an attorney. The publisher does not make any warranty, either express or implied as to the validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 33-Acknowledgment-General (C. C. Sec. 1130a)

COUNTY OF ss.

hundred and before me, a Notary Public, State of Kansas duly commissioned and sworn, he appeared ROBERT T. MCELROY and KATHARINE MCELROY

known to me to be the person s... whose name ... subscribed to an instrument and acknowledged to me that ... they ... executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and aff official seal in the County of the day in this certificate first above written.

Notary Public, State of Kansas

OWNER  
LEARY, William G. 353-3678 116 Xerona Ct., L.G.

PARCEL NUMBER  
46-251-08

|  |                             |  |   |                     |                |
|--|-----------------------------|--|---|---------------------|----------------|
| LOCATION<br>55 Crest Dr., L.S.B.       |                             | DESCRIPTION<br>To construct a 2 story, 2 bdrm.<br>1 1/2 bath, sfd. |   | VALUATION<br>35,616 |                |
| BUILDING                               |                             | PLUMBING (GAS)   |   | ELECTRIC            |                |
| PERMIT NO.<br>60058                    | DATE<br>5/1/79              | PERMIT NO.<br>60058  | DATE<br>5/1/79                              | PERMIT NO.<br>60058 | DATE<br>5/1/79 |
| NAME<br>owner                          |                             | NAME<br>owner  |   | NAME<br>owner       |                |
| mech - 60058 5/1/79                    |                             | INSPECTIONS  |   |                     |                |
| cpp - 60058 5/1/79                     |                             |  |   |                     |                |
| BUILDING                               |                             | PLUMBING - GAS   |   | OTHER               |                |
| FOUNDATION<br>5-31-79 <i>ER</i>        | ROUGH<br>9/26/79 <i>SE</i>  | PLANNING   | ENVIRONMENTAL HEALTH<br><i>Sept 6-28-79</i> |                     |                |
| UNDERFLOOR<br>9/26/79 <i>SE</i>        | GAS PT<br>9/26/79 <i>SE</i> | PUBLIC WORKS: SANITATION   |   |                     |                |
| INSULATION                             | FINAL<br>12-11-79 <i>ER</i> | PUBLIC WORKS: DRIVEWAY   |   |                     |                |
| STUCCO WIRE<br>10/11/79 <i>ER</i>      | CLEAR<br>12-12-79 <i>ER</i> | DRAINAGE:  |   |                     |                |
| SCRATCH                                | ELECTRIC                    |  | FIRE DISTRICT:                              |                     |                |
| FRAME<br>9/26/79 <i>SE</i>             | ROUGH<br>9/26/79 <i>SE</i>  | GRADING:   |   |                     |                |
| SHEETROCK                              | FINAL<br>12-11-79 <i>ER</i> | OTHER:   |   |                     |                |
| FINAL<br>12-11-79 <i>ER</i>            | CLEAR<br>12-12-79 <i>ER</i> | <i>pp. 12.13.79</i>  |   |                     |                |
| REMARKS ON REVERSE<br><i>PD. 3-50.</i> |                             |  |   |                     |                |

LEARY, William G.

55 Crest Dr., L.S.B.

sfd

|   |             |   |             |
|---|-------------|---|-------------|
| OWNER<br>LEARY, William G. 116 Xerona Ct., Los Gatos. |             | PARCEL NUMBER<br>46-251-08              |             |
| LOCATION<br>55 Crest Dr., L.S.B.                      |             | DESCRIPTION<br>to construct a workshop. |             |
|   |             | VALUATION<br>4,300                      |             |
| BUILDING  |             | PLUMBING GAS                            |             |
| PERMIT NO. 60059                                      | DATE 5/1/79 | PERMIT NO. 60059                        | DATE 5/1/79 |
| ELECTRIC  |             |   |             |
| PERMIT NO. 60059                                      | DATE 5/1/79 | PERMIT NO. 60059                        | DATE 5/1/79 |
| NAME owner  |             | NAME owner                              |             |

| BUILDING                     | PLUMBING - GAS          | OTHER                    |
|------------------------------|-------------------------|--------------------------|
| FOUNDATION 6/12/79 <i>ME</i> | ROUGH 9/26/79 <i>ME</i> | PLANNING                 |
| UNDERFLOOR NA                | GAS PT                  | ENVIRONMENTAL HEALTH     |
| INSULATION                   | FINAL NA                | PUBLIC WORKS; SANITATION |
| STUCCO WIRE                  | CLEAR                   | PUBLIC WORKS; DRIVEWAY   |
| SCRATCH                      |                         | DRAINAGE:                |
|                              | ELECTRIC                |                          |
| FRAME 9/26/79 <i>ME</i>      | ROUGH 9/26/79 <i>ME</i> | FIRE DISTRICT 1          |
| SHEETROCK                    | FINAL                   | GRADING:                 |
| FINAL 12-11-79 <i>ME</i>     | CLEAR NA                | OTHER: ✓                 |

BLDG. 3 (REV. 12/78)

LEARY, William G.

REMARKS ON REVERSE

55 Crest Dr., L.S.B.

pp. 12-13-29  
 PD. 3-80  
 workshop

OWNER

LEARY, William G. 116 Xerona Ct., Los Gatos.

PARCEL NUMBER

46-251-08

|                                  |                |   |      |                    |      |
|----------------------------------|----------------|---|------|--------------------|------|
| LOCATION<br>55 Crest Dr., L.S.B. |                | DESCRIPTION<br>TO construct a carport and |      | VALUATION<br>2,521 |      |
| BUILDING                         |                | PLUMBING-GAS                              |      | ELECTRIC           |      |
| PERMIT NO.<br>60060              | DATE<br>5.1.79 | PERMIT NO.                                | DATE | PERMIT NO.         | DATE |
| NAME<br>OWNER                    |                | NAME                                      |      | NAME               |      |

| BUILDING                       | PLUMBING-GAS             | OTHER                             |
|--------------------------------|--------------------------|-----------------------------------|
| FOUNDATION 6/12/79 <i>WJ</i>   | ROUGH <i>WJ</i>          | PLANNING                          |
| UNDERFLOOR NA                  | GAS PT. <i>WJ</i>        | ENVIRONMENTAL HEALTH Sept 6/28/79 |
| INSULATION                     | FINAL <i>WJ</i>          | PUBLIC WORKS: SANITATION          |
| STUCCO WIRE 10/16/79 <i>WJ</i> | CLEAR                    | PUBLIC WORKS: DRIVEWAY            |
| SCRATCH                        |                          | DRAINAGE:                         |
|                                | ELECTRIC                 | FIRE DISTRICT:                    |
| FRAME 9/26/79 <i>WJ</i>        | ROUGH 9/26/79 <i>WJ</i>  | GRADING:                          |
| SHEETROCK                      | FINAL 12-11-79 <i>ER</i> | OTHER: <i>no plans</i>            |
| FINAL 12-11-79 <i>WJ</i>       | CLEAR N/A                |                                   |

BLOG. 3 (REV. 12/76)

REMARKS ON REVERSE

LEARY, William G.

55 Crest Dr., L.S.B.

PP 12-13 79  
PD. 3 — to carport,



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

April 15, 2005

55-0003

Edward Hickey Trustees Et Al.  
1015 High Street  
Palo Alto, CA 94301

Dear Mr. Hickey:

We have received the completed biotic assessment for **this** property, prepared by Ecosystems West, dated 13,2005. The assessment was required because of the potential presence of two protected amphibians, the Santa Cruz long toed salamander (SCLTS) and California red legged frog (CRLF). A copy of the Biotic Assessment is attached.

Regarding these animals, the assessment did identify plant cover adjacent to the proposed driveway that might harbor aestivating individuals. The biologist does not recommend that protocol surveys be done in advance, but does recommend that a qualified biotic monitor be on site during initial clearing and grading. If either species is encountered the work must be temporarily halted and the US Fish and Wildlife Service consulted for direction and relocating of the animals.

No protected plants were observed in the development area.

The following conditions will apply to any development that is proposed on **this** parcel:

1. Development shall be confined to the elements shown on the plot plan (Bowman and Williams, January 2005) in the location shown. Any disturbance outside of the approved area will require a separate assessment of the area of any additional proposed disturbance;
2. A qualified biologist shall be on site to monitor initial clearing and grading. If any SCLTS or CRLF are identified the work must be temporarily halted and the US Fish and Wildlife Service consulted for direction and relocating of the animals.

Please call me at 831-454-3178 if you have any questions. A copy of this letter will be sent to your project planner so that she is aware of the biotic conditions on the parcel.

Sincerely,

Paia Levine  
Environmental Planning

For: Ken Hart  
Principal Planner

CC: Bob Loveland, Resource Planner  
Joan Van Der Hoeven, Project Planner



April 13, 2005

Ms. Paia Levine  
Planning Department  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Re: Hickey Biotic Assessment No. 05-0003-EBS

Dear Paia:

This letter reports the findings of a biotic assessment on the Edward Hickey property (Assessor's Parcel No. 046-251-08), located at **55** Crest Drive about 500 feet southwest of its intersection with San Andreas Road in the San Andreas Planning Area in southern Santa Cruz County. The applicant is seeking approval to construct a **new** access driveway from Crest Road to an existing single-family residence located on the southeastern end of the 5-acre parcel.

The U.S. Soil Conservation Service Soil Survey of Santa Cruz County (1980) classifies the soil on the Hickey property as Baywood loamy sand, 2 to 30 percent slopes. The Baywood loamy sand is a very deep excessively drained soil formed in aeolian sand dune deposits. Permeability of Baywood loamy sand is rapid with medium runoff potential and moderate erosion hazard.

A field survey was conducted on the Hickey property on 3 February 2005. The parcel is located on the southeast side of Crest Drive and is rectangular in shape. The proposed driveway will be located on the northeast side of the parcel near the property line behind the existing homes along Crest Lane. The topography on the parcel features a flat non-native annual grassland dominated field/pasture on the northwestern two-thirds of parcel. The southeastern third of the parcel consists of a gentle grading slope up to an elevated terrace where the existing home is located. The slope below the house features a dense clump of mixed scrub habitat. The fence line along Crest Drive supports a moderate mixed thicket of California coffeeberry (*Rhamnus californicus*), coyote brush (*Baccharis pilularis*), and California blackberry (*Rubus ursinus*). Scattered patches of highway iceplant (*Carpobrotus edulis*) occur along the fence line. Beyond the fence the parcel opens up into a rectangular ruderal grassland/pasture dominated by non-native grasses and herbs. Annual grasses include rat-tail fescue (*Vulpia myuros*), slender wild-oat grass (*Avena barbata*), ripgut brome (*Bromus diandrus*), and farmer's foxtail (*Hordeum leporinum*). Herb species include wild radish (*Raphanus sativus*), cut-leaf geranium (*Geranium dissectum*), bur clover (*Medicago polymorpha*), white-stemmed filaree (*Erodium botrys*), and an occasional California puppy (*Eschscholzia californica*). Along the fence line separating the parcel from the homes along Crest Lane there are varied stands of horticultural shrubs, California blackberry thickets, and small stands of coast live oak (*Quercus agrifolia*), Douglas-fir (*Pseudotsuga menziesii*), Monterey cypress (*Cupressus macrocarpa*), and blue blossom (*Ceanothus thyrsiflorus*). The

understory of these tree stands is typically dominated by the same species observed in the annual grassland/pasture habitat. The dense shrub thicket on the northwest-facing slope below the existing house is dominated by California coffeeberry, coyote brush, coast live oak, and California blackberry. As presently aligned the proposed driveway alignment will displace primarily the non-native dominated grassland and a minor amount of coffeeberry and blackberry near the fence line at Crest Drive.

No sensitive plant or animal species indigenous in the vicinity of the site were observed on the parcel. Monterey cypress is native only to coastal Monterey County in the Del Monte Forest and is listed on List 1B (Plants Rare and Endangered) of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Plants of California* (CNPS Electronic Data Base, 2005). Where native, this species is protected under the provisions of the California Environmental Quality Act. However, Monterey cypress is not native in Santa Cruz County and is adventive on this parcel. Not all special-status plant species with potential to occur in the vicinity of this parcel would have been identifiable at the time the survey was conducted. Among these include Monterey spineflower (*Chorizanthe pungens* var. *pungens*) and robust spineflower (*Chorizanthe robusta*). However, the habitat on the parcel is dominated by non-native herbs and grasses indicating significant modification and frequency of grazing and mowing. The lack of native maritime chaparral and scrub in the impact zone suggests the potential for these two species to occur on the property is very low. No significant special-status wildlife habitat was observed on the parcel. Two ponds were in close proximity to the parcel and no surface waters were present that could provide breeding habitat for the rare and endangered Santa Cruz long-toed salamander (SCLTS). The parcel is approximately 1000 feet southwest of the known breeding pond for both Santa Cruz long-toed salamander and California red-legged frog (CRLF), both listed as endangered by the U.S. Fish and Wildlife Service, at Ellicott Pond northeast of San Andreas Road. Although the potential for these species to occur on the Hickey property is low, it is possible for individuals moving from the pond to find summer refuge under the dense blackberry thickets scattered along the edge of the parcel. The grassland habitat does not provide aestivating habitat for these species because no ground squirrel burrows are present. No indications of nesting raptors were observed in the trees along the property line.

The impacts of the proposed driveway construction may include removal or pruning of a coast live oak and a couple of planted Douglas-fir trees within or adjacent to the footprint of the driveway as depicted on the "Grading and Drainage Plan" prepared by Bowman and Williams Consulting Civil Engineers dated 4 Jan. 2005. Construction plans call for 15 foot-wide right-of-way with accompanying cut and fill areas scattered along the driveway. A temporary materials storage area will be located within the flat portion of the existing ruderal grassland habitat on the southwest side of the driveway.

Based on the assessment I recommend that prior to initial grading that a qualified biologist examine any stands of blackberry or significant plant cover for the presence of aestivating SCLTS and CRLF. Also, a qualified biologist should be present during the initial grading and vegetation removal to check for the presence of SCLTS and CRLF that may be cryptically hidden under the dense shrub cover and ice plant. If either of these species is encountered during the course of the construction activities, the project would have to be immediately stopped and a consultation with the U.S. Fish and Wildlife Service initiated. This project at present has no

approval for "incidental take" and thus would be in violation of the Federal Endangered Species Act if **take** occurs, **A** workers education program should be developed and implemented for all workers involved in the construction activities. Excavated materials should be kept away from the scrub habitat below the house. Proposed temporary erosion control measures should be followed as prescribed on construct drawings cited above.

Based on this preliminary assessment, it is my professional opinion that the proposed development will not result in significant impact on those biotic resources observed on the parcel or within the vicinity of the project if the above recommendations are followed.

Should you require further information or clarification, please don't hesitate to contact Bill Davilla or me.

Sincerely,

Bill Davilla  
Principal