

# Staff Report to the Zoning Administrator

Application Number: 171233

**Applicant:** Matthew Thompson

Agenda Date: June 7, 2019

Owner: Gayle Topping APN: 027-151-33

Agenda Item #: 2 Time: After 9:00 a.m.

Site Address: No Site Address, 9th Avenue, Santa Cruz

**Project Description**: Proposal to construct a new two-story, approximately 1,174 square-foot single-family residence with attached 228 square-foot garage on a vacant parcel located in the R-1-3.5 zone district. Requires a Coastal Development Permit, Design Review, Lot Line Adjustment, Administrative Site Development Permit to allow for a reduced side yard (west) setback to zero feet at the garage, a Riparian Exception, and a determination that the project is exempt from further environmental review under the California Environmental Quality Act (CEQA).

Location: Property located on the east side of Ninth Avenue, approximately 150 feet south from Carmel Street, behind 248 Ninth Avenue, Santa Cruz.

**Permits Required**: Coastal Development Permit, Administrative Site Development Permit, Design Reivew, Lot Line Adjustment and Riparian Exception

Supervisorial District: First District (District Supervisor: Leopold)

#### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171233, based on the attached findings and conditions.

**Project Setting:** The project site consists of a vacant parcel located on the east side of 9<sup>th</sup> Avenue, approximately 150 feet south of the intersection with Carmel Street. The parcel is located behind an existing residence located at 248 9<sup>th</sup> Avenue. The parcel is accessed by a County right of way located between the properties at 240 9<sup>th</sup> Avenue and 248 9<sup>th</sup> Avenue.

The parcel is bounded by single-family residential development to the north, south and west. Schwan Lake Drive, a 60-foot wide right of that is developed with a public walking path, is located to the east of the subject parcel, directly adjacent to Schwan Lake.

**Project Background:** This neighborhood was part of Subdivision No. 1 of the Twin Lake Park subdivision, recorded in 1890. In 1970 half of the adjacent alley was abandoned by resolution

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Page 2

APN: 027-151-33 Owner: Gayle Topping

number 325-70, to and combined with the parcel, to create the current configuration. The subject parcel has remained unimproved and was issued an Unconditional Certificate of Compliance recorded under document #2010-0010202 on March 16, 2010.

Zoning & General Plan Consistency: The subject property is a 1,994 square foot lot, located in the R-1-3.5 (Single Family Residential, 3,500 square feet minimum) zone district, a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Residential) General Plan designation.

The proposed development, which consists of a new single-family residence and attached garage, has been designed to meet the R-1-3.5 zone district development standards. Further, the project has been designed in conformance with the Harbor Special Community design criteria and is subject to Design Review. The applicant is requesting a zero setback from the interior side yard for the attached garage as allowed under Santa Cruz County Code Section 13.10.323 (see discussion below).

A summary of the required and proposed site and development standards that are relevant to this project is summarized in the table below:

Development Standard	Required	As Proposed or as Conditioned
Front Yard Setback	15 feet	15 feet to residence;
		12 feet to cantilevered walkway
Side Yard Setbacks	5 feet (both sides)	0 feet at the northwest side for
		garage; 5 feet for the residence,
		2 feet to the cantilevered walkway
Rear Yard Setback	15 feet	20 feet to the garage entrance
Lot Coverage	40% maximum	39.2%
Floor Area Ratio (FAR)	50% maximum	50%
Height	28 feet maximum	26 feet
Parking Requirement	2 spaces	2 spaces

The proposed development includes a request for a 3½ foot wide, cantilevered walkway at the east and south sides of the proposed structure to allow for maintenance. Santa Cruz County Code Section 13.10.323(E)(1) permits structures including uncovered, unenclosed deck and landings, to encroach up to 6 feet into the front or rear yard and up to 3 feet into the side yard. The project has been conditioned to limit the raised walkway to 3-feet in width with no steps. This will reduce any potential impacts to the riparian corridor and limit the encroachment into the eastern and southern side yard setback areas to 3 feet.

Administrative Site Development: The proposed project includes a request for an Administrative Site Development permit to allow for the attached garage to be located zero feet from the interior side property line. Santa Cruz County Code Section 13.10.323(E)(6)(f)(iii) allows for a garage to be located up to zero feet from the rear or interior side yard on parcels less than 10,000 square feet. The garage is proposed to be located at zero feet from the interior side proposed property line and 20' feet from the rear property line.

APN: 027-151-33 Owner: Gayle Topping

#### Lot Line Adjustment

The proposed lot line adjustment will be an equal transfer of approximately 148 square feet between APN 027-151-33 and APN 027-151-34 to allow for the two required on site parking spaces.

Both parcels are below the minimum 3,500 square foot size required by the R-1-3.5 (single-family residential, 3,500 square foot minimum) zone district, however the equal transfer between two parcels will not further reduce either parcel below the minimum 3,500 square foot minimum size for the zone district.

No new building sites or parcels will be created as a result of this application. There are two parcels currently and there will be two parcels as a result of this permit.

**Design Review:** The proposed single-family residence complies with the requirements of the County Design Review Ordinance, in that the project will incorporate site and architectural design features in harmony with the surrounding development. In addition, the parcel is located behind the existing residence at 248 9<sup>th</sup> Avenue and will be mostly screened from public view. The proposed residence will be partially visible across Schwan Lake, from East Cliff Drive, however, it will be screened by mature riparian vegetation on both sides of the lagoon. Further, the design is similar in bulk and mass to the existing two-story residences directly adjacent to the subject property.

The subject parcel is part of the Harbor Area Special Community for which there are specific design criteria. County Code 13.20.144 identifies the Harbor Area as a special community and specifies the following:

New development in the single-family (R-1) parts of the Harbor Area Special Community shall incorporate the characteristics of older residences in the area, e.g., the small scale, clean lines, pitched roofs, wood construction, and wood siding. Setbacks should conform to that predominant for other houses on the street.

The applicant provided material and color information, as well as visual simulations for the proposed structure, indicating the body of the structure will primarily consist of vertical board siding with stucco siding at the garage. The finish colors are proposed in natural tan hues and a pitched roof finished with brown shingles.

Riparian Exception: The parcel is located adjacent to Schwan Lake, a brackish lagoon located directly to the east, across Schwan Lake Drive. The proposed development is within the riparian corridor, or lands extending 100 feet (measured horizontally) from the high water mark of the lagoon, therefore, it requires approval of a Riparian Exception. Given the site constraints, a Riparian Exception may be granted for the proposed residence in order for the property owner to have reasonable economic use of their property. No additional development is proposed in the required riparian setback area, except a cantilevered catwalk, required drainage improvements and native landscape improvements. Further, the project will be conditioned to restrict development within the riparian setback area

Page 4

APN: 027-151-33 Owner: Gayle Topping

#### **Local Coastal Program Consistency**

The proposed single-family residence is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family residences. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles and has been designed in conformance with the Harbor Area special design criteria. Although, the project site is located between the shoreline and the first through public road, it is not identified as a priority acquisition site in the County's Local Coastal Program. No public pedestrian access is proposed as a part of this application.

#### 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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 171233, 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: <a href="https://www.sccoplanning.com">www.sccoplanning.com</a>

Report Prepared By: Elizabeth Hayward

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#### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence

#### 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: 171233

Assessor Parcel Number: 027-151-33

Contact Phone Number: 831-457-3939

Project Location: No Site Address, 9th Avenue, Santa Cruz

Project Description: Proposal to construct a new two-story single-family residence with

attached garage on a vacant parcel in the R-1-3.5 zone district. Requires a Coastal Development Permit, Design Review, Lot Line Adjustment, Administrative Site Development Permit to allow for a reduced side vard

(west) setback to 0 feet at the garage, and a Riparian Exception.

Person or Agency Proposing Project: Matthew Thompson

<b>A.</b>	The proposed activity is not a project under CEQA Guidelines Section 15378.
В	The proposed activity is not subject to CEQA as specified under CEQA
	Guidelines Section 15060 (c).
C	<u>Ministerial Project</u> 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).
EX_	Categorical Exemption
Specify type:	
Section 1530	3 – Class 3 - New Construction or Conversion of Small Structures
	s new construction or conversion of small structures in urbanized areas, including of single-family residences.
Reasons why	the project is exempt:
	ntails construction of a new single-family residence on a residentially zoned parcel sidential neighborhood.
	Date:
Elizabeth Hay	ward, Project Planner

#### **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned R-1-3.5 (Single Family Residential, 3,500 square feet minimum), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UH (Urban High Residential) 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 SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style, height, and massing. The project site is surrounded by parcels developed to an urban density, including single and two-story residences constructed along Schwan Lake Drive. The design of the proposed residence incorporates site and architectural design features as required by the Harbor Area Special Community design criteria, including small scale, clean lines, a pitched roof, and predominately wood-like siding. Further, the material and color palette, consisting of natural colors and materials, is compatible with the surrounding neighborhood and the natural lagoon environ in which the project site is located.

The proposed development project is consistent with the visual resource protection policies of the Local Coastal Program in that the proposed residence will be built on an existing developed street in an urbanized area of Santa Cruz County. The proposed residence is setback further from Schwan Lake than the existing neighboring residences to the north and south. In addition, the proposed residence will not be visible from Twin Lakes Beach and be screened by mature vegetation from East Cliff Drive, across Schwann Lake.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that although the project site is located between the shoreline and the first through, developed public road, it does not impede access to Schwan Lake or the beach. Consequently, the single-family residence will not interfere with public access to the beach, ocean, or any nearby body of water. Access to Schwan Lake is available approximately 150 feet to the north at Carmel Street and beach access is available approximately 700 feet to the south at Twin Lakes Beach. The project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-3.5 (Single Family Residential, 3,500 square feet minimum) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family residences. Size and architectural styles vary widely in the area, and the design submitted is consistent with the pattern of development within the surrounding neighborhood. Further, the style of the proposed residence conforms to the Harbor Area Special Community design criteria in that the structure will have clean lines, a pitched roof, wood-like construction and siding in natural tones.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that although the project site is located between the shoreline and the first through, developed public road, it does not impede access to Schwan Lake. Schwan Lake Drive, which is directly east of the subject parcel and is currently developed with a walking trail, is accessible approximately 150 to the north at Carmel Street and beach access is available approximately 700 feet to the south at Twin Lakes Beach. Consequently, the single-family residence will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

#### **Development Permit Findings**

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single-family residence will not be materially injurious to properties or improvements in the vicinity in that the project is designed to minimize adverse impacts to neighboring properties. Although a Minor Exception is requested for the side yard setback; however, this setback will not affect adjacent properties' solar access or result in privacy impacts.

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 single-family residence 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-1-3.5 (Single-family Residential, 3,500 square feet minimum) zone district in that the primary use of the property will be one single-family residence designed to meet all site standards for the zone district, except for the side yard setbacks for which a minor exception is required.

In addition, the application includes a request for a Riparian Exception as the proposed structure will encroach into the riparian setback of Schwan Lake. Findings have been made for an exception and the project is consistent with Chapter 16.30 (Riparian Corridor and Wetlands Protection).

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UH (Urban High Residential) land use designation in the County General Plan.

The proposed single-family residence 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, except for the west side yard setback. As required by General Plan Policy 8.1.3 (Residential Site and Development Standards Ordinance), the single-family residence will not adversely shade adjacent properties, and will meet current setbacks, except for the west side yard setback, and will ensure access to light, air, and open space in the neighborhood. Although a minor exception is requested for the west side yard setback, this setback reduction will not affect adjacent properties' solar access.

The proposed single-family residence will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes) in that the proposed single-family residence will comply with the site standards for the R-1-3.5 zone district, except the west side yard setback, and will result in a structure consistent with a design that could be approved on any similarly sized and constrained parcel in the vicinity.

A specific plan has not been adopted for this portion of the County; however, the project site is located within the Harbor Special Community Area; therefore, specific design standards apply to the project to include characteristics of older residences in the area such as small scale, clean lines, pitched roofs, predominately wood construction, wood or wood-like siding, that resemble wood. As proposed, the project will meet the Harbor Special Community Area design standards.

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 residence will be constructed on an existing residential lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day. Such an increase will not adversely impact existing roads or 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 residence 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 single-family residence 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.

This finding can be made, in that the proposed single-family residence 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.

#### **Riparian Exception Findings**

1. That there are special circumstances or conditions affecting the property.

The subject parcel is approximately 1,994 square feet in area, and almost the entire parcel is located within the riparian corridor as defined in SCCC 16.30.030. The proposed 1,174 square foot residence is modest in size, yet due to the parcel location and size, encroachment into the riparian corridor cannot be avoided; a riparian exception is required to allow economic use of the residentially zoned property.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

As noted in the above finding, almost the entire parcel is located within the riparian corridor of Schwan Lake. In order to develop the residentially zoned property with a permitted residence, a riparian exception is required to allow encroachment into the 100 foot riparian corridor extending from the water line of Schwan Lake.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

While adjacent to Schwan Lake, the subject parcel is located well outside the floodplain associated with a 100 year storm event, as determined by the Federal Emergency Management Agency (FEMA), and the proposed development will not reduce the water carrying capacity of Schwan Lake or divert flood waters toward adjacent properties. The residence would be located outside the active watercourse, and is designed to be similar in size and location to existing developed properties in the area; granting this exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

4. That the granting of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

The subject parcel is located between two parcels of similar size, also developed with single-family residences that encroach into the riparian corridor. As proposed, the eastern edge of the residence (facing Schwan Lake) is aligned with the footprint of existing homes to the north and south, and does not encroach into, or restrict the riparian corridor more than the existing development in the area. The site design is such that development is shifted to the western portion of the property, away from the riparian corridor. The exterior improvements on the eastern side of the development have been minimized to the extent possible, incorporating a small cantilevered walkway to provide egress and allow maintenance of the eastern portion of the residence while limiting ground disturbance. The landscape plan was developed with all native riparian plant species, and the overall development plan does not require removal of any existing significant vegetation.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program land use plan.

The granting of this exception allows residential development on an appropriately zoned parcel; the design of the residential structure minimizes development activities within the riparian corridor, does not restrict the capacity of the riparian resource and will not impact the ability of the watercourse to transport and store flood waters, in accordance with the objectives of the General Plan and Local Coastal Program.

#### **Administrative Site 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 will be 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 California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources. The proposed single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space. Although a Minor Exception is requested for the side yard setback, this reduced setback will not affect adjacent properties' solar access.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be in substantial conformance with 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 single-family residence 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-1-3.5 (Single-family Residential, 3,500 square feet minimum) zone district in that the primary use of the property will be one single-family residence that meets all current site standards for the zone district except for the side yard setbacks (for which a minor exception is requested).

3. That the proposed structure and use is in substantial conformance with the County General Plan and with any Specific Plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UH (Urban High Residential) land use designation in the County General Plan.

The proposed single-family residence 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, except for the west side yard setback. As required by General Plan Policy 8.1.3 (Residential Site and Development Standards Ordinance), the single-family residence will not adversely shade adjacent properties, and will meet current setbacks, except for the west side yard setback, and will ensure access to light, air, and open space in the neighborhood. Although a minor exception is requested for the west side yard setback, this setback reduction will not affect adjacent properties' solar access.

The proposed single-family residence will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes) in that the proposed single-family residence will comply with the site standards for the R-1-3.5 zone district, except the west side yard setback, and will result in a structure consistent with a design that could be approved on any similarly sized and constrained parcel in the vicinity.

A specific plan has not been adopted for this portion of the County; however, the project site is located within the Harbor Special Community Area; therefore, specific design standards apply to the project to include characteristics of older residences in the area such as small scale, clean lines, pitched roofs, predominately wood construction, wood or wood-like siding, that resemble wood. As proposed, the project will meet the Harbor Special Community Area design standards.

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 residence will be constructed on an existing residential lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day. Such an increase will not adversely impact existing roads or 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 residence 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 single-family residence is consistent with the land use intensity and density of the neighborhood.

6. Any additional parking requirements created by the project can be met in accordance with Section 13.10.551.

This finding can be made, in that the proposed project does meets the requirement for two parking spaces located on the project site.

7. The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

This finding can be made, in that the proposed single-family residential use is consistent with the use and density requirements specified for the R-UH (Urban High Residential) land use designation in the County General Plan.

The proposed single-family residence 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) with the exception of the west side yard setback. The proposed single-family residence will not adversely shade adjacent properties, and ensure access to light, air, and open space in the neighborhood.

#### Lot Line Adjustment Findings

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

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

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

This finding can be made, in that no additional building sites will be created by the transfer, neither of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', neither of the parcels are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps, and the proposed project will comply with the General Plan designation of the parcels (R-UH, Urban High Residential) per 13.10.673(E).

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

This finding can be made, in that neither of the parcels included in the proposal will be reduced further below the minimum parcel size required by the zone district as a result of this lot line adjustment. The proposed lot line adjustment is an equal exchange of land between two parcels; both of which are non-conforming in size. Neither parcel will be reduced in size a result of the lot land adjustment, and no structures will increase in non-conformity as a result of the adjustment.

#### **Conditions of Approval**

Exhibit D: Project plans, prepared by Matthew Thompson, Architect, dated 11/5/2018.

- I. This permit authorizes the construction of a two-story single-family residence as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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, as applicable.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way, as applicable.
  - E. For the Lot Line Adjustment: File deeds of conveyance (which must result in parcel configurations that match the approved Exhibit "D" for this permit) with the County Recorder to exercise this approval. Please note that this approval does not confer legal status on any existing structures or existing uses on the subject property.
    - 1. The deeds of conveyance must contain the following statement after the description of the properties or portions of property to be transferred:

"The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 027-151-33 and Assessor's Parcel Number 027-151-34 as approved by the County of Santa Cruz under Application Number 171233. This deed and approval of the related Lot Line Adjustment Number 171233 shall be deemed to permanently reconfigure the affected underlying parcels. Any configuration of such underlying parcels that existed prior to recordation of this deed shall no longer be valid and shall not be used for transfer, conveyance, sale, or any other purpose. This conveyance may not create a separate parcel and is null and void unless the boundary is adjusted as stated."

2. Return a conformed copy of the deed(s) to the Planning Department.

3. If a map is also to be recorded with the County Surveyor's office, a copy of these Conditions of Approval must be provided to the County Surveyor with the map to be recorded.

#### 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
  - 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
  - 3. All applicable plan sheets shall be updated to indicate a 3-foot wide, cantilevered walkway at the east side of the residence.
  - 4. Grading, drainage, and erosion control plans, as applicable.
- B. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. Stormwater Management conditions as follows:
  - 1. This project is recognized as a 'Medium' project per the County Design Criteria (CDC) Section C.1. Plans should clearly demonstrate how predevelopment runoff conditions are being replicated with the proposed stormwater mitigation features. Safe stormwater overflow shall be incorporated into the project design.
  - 2. The building permit application will be required to adhere to Section C3.c & C3.e ('Site Design and Runoff Reduction' & 'Provide Proof of Ongoing BMP Maintenance') of the CDC. Please incorporate all applicable parts of the referenced sections.

- 3. The proposed percolation pit is proposed on slopes that appear to be between 15-30%, the CDC requires site specific erosion analysis at slopes between 15-25% & Geotechnical approval when slopes exceed 25%. Reference Section I.4 of the CDC.
- 4. An accurate cross-section construction details for all newly proposed stormwater mitigation features shall be included as part of the future building permit. Please include all pertinent information to ensure features are accurately constructed (dimensions, invert elevations, flow direction, material type, manufacturer recommendations, etc.).
- 5. This project is within an established Flood Control District as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.27 per square foot but is subject to change based on the most updated fee amount applicable at the time of permit issuance. The County of Santa Cruz currently has four Zones with the associated fee rate (Zone 5 established in 1969, Zone 6 established in 1986, Zone 7a established in 2005, & Zone 8 established in 1977).
  - a. This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure. Otherwise County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant.
  - b. A 50% credit is given to all projects that implement semi-pervious surfaces such as: pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.
- 6. Upon approval of the building permit, a drainage "Hold" will be placed on the application and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:
  - a. The Civil Engineer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The Civil Engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.

- b. As-built plans stamped by the Civil Engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each plan sheet where stormwater management improvements were shown.
- The Civil Engineer may review as-built plans completed by the c. contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the Civil Engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone number. The Civil Engineer will review the asbuilt plans for conformance with the design drawings. Upon satisfaction of the Civil Engineer that the as-built plans meet the design intent and are adequate in detail, the Civil Engineer shall submit the as-built plans and a review letter, stamped by the Civil Engineer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory.
- 7. A recorded maintenance agreement will be required for any new drainage system. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online,
- C. Meet all requirements of the City of Santa Cruz Water District. Proof of water service availability is required prior to application for a Building Permit.
- D. Per the Department of Public Works Road Engineering, a legal description associated with Lot Line Adjustment will need to be provided to the County's surveyor for review.
- E. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit. Sanitation conditions as follows:
  - 1. Public sewer main: There are two public sewer main lines between the property line and the lake edge: an 8" diameter PVC line approximately 20 from the property line and a 6" diameter clay line approximately 34' from the property line. Add a note the any and every sheet that shows the sewer main line that reads: "Prior to construction, survey and mark the location of both the 8' diameter PVC line (approximately 20' from the property line) and the 6" diameter VCP line (approximately 34' from the property line). Use care to connect only to the 8" diameter PVC public sewer main line. Do not disturb the 6" VCP line."

- 2. Proposed sewer lateral: Realign the connection of the lateral so it is generally at 90 degrees to the sewer main, and so that the last segment of the later is at 45 degrees to the main in the direction of the flow (southerly). Show the following: length of pipe, pipe material, ground and invert elevations, the slope of each line segment (2% minimum), and the connection to the existing public sewer main.
- 3. Design and Construction Standards: The project sewer design and connection of the project to the District system will be required to conform to the County of Santa Cruz Design Criteria (CDC), Part 4, Sanitary Sewer Design, most recent edition.
- F. Meet all requirements of the Environmental Planning section of the Planning Department, as follows:
  - 1. Please submit two (2) copies of the accepted soils report with the building permit application.
  - 2. After building permit plans are prepared that are acceptable to all reviewing agencies, please submit an original wet-signed and stamped Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. Please note that the plan review form must reference the final plan set by last revision date. Any updates to report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website: www.sccoplanning.com, under "Environmental", "Geology & Soils", "Assistance & Forms", "Soils Engineer Plan Review Form".
  - 3. Provide a drainage plan with the building permit application that includes sufficient detail regarding existing and proposed grades and drainage patterns to illustrate compliance with CBC Section 1804.4. Please note that swale details must include an erosion-resistant lining type and outlet treatment that dissipates energy from the concentrated runoff.
  - 4. Remove all unpermitted improvements within the riparian corridor; the project scope shall not include any additional construction within the riparian corridor beyond the residence, raised walkway, and drainage facilities.
  - 5. All proposed landscaping on the eastern side of the residence shall be comprised of native plants. Please provide an updated landscape plan with the final plan set that accurately reflects project scope.
  - 6. Final plans shall reduce the width of the cantilevered walk on the eastern side of the residence to the minimum three feet necessary to provide egress.

- 7. Final plans shall show all tree protection measures required by the project arborist on the demolition, grading/drainage, and as required by the project arborist. The building permit application submittal shall include a review letter from the project arborist that cites the plan sheets reviewed.
- Plans submitted for the building application shall include a stormwater 8. pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. Manual may be found on our website: www.sccoplanning.com under the "Environmental" tab, "Erosion and Stormwater Pollution Control", then "Construction Site Stormwater BMP Manual". Part 2 of the manual lists Stormwater Pollution Control Plan requirements; please use this as a guide for preparing the plan. At a minimum, please include: Location of equipment/materials storage and staging areas, proposed construction waste control measures, proposed sediment control measures, and seed and straw mulch specification per Part 2 Section of the Manual to be used should the project applicant wish to obtain a final on the building permit application prior to completion of landscape improvements. (Please note: The current erosion control plan only provides sediment protection adjacent to the proposed drainage outlet location. The final stormwater pollution control plan shall include sediment protection along the entire eastern property line to ensure sediment does not enter the watercourse.)
- G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District, as follows:
  - 1. Note on the plans that these plans are in compliance with California Building and Fire Codes (2016) and District Amendment.
  - 2. Note on the plans the occupancy classification, building construction type fire rating, and either sprinklered or non-sprinklered as determined by the building official and outlined in the 2016 California Building Code (e.g., R 3, Type V B, Sprinklered).
  - 3. The fire flow requirement for the subject property is 1000 gallons per minute for 120minutes. Note on the plans the required and available fire flow. The available fire flow information can be obtained from the water company.
  - 4. Show on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building if the building is equipped with an automatic fire sprinkler system, or 400 feet if the building is not equipped with an automatic fire sprinkler system.
  - 5. Note on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

- 6. Note on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.
- 7. Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:
- 8. Show additional smoke detectors in the following locations:
  - a. One detector adjacent to each sleeping area (hall, foyer, balcony, or etc.).
  - b. One detector in each sleeping room.
  - c. One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
  - d. There must be at least one smoke detector on each floor level regardless of area usage.
  - e. There must be a minimum of one smoke detector in every basement area.
- 9. Show the location of the CO detector outside each sleeping room and on each level at a minimum of the residence
- 10. Note on the plans where address numbers will be posted and maintained.
- 11. Note on plans that address numbers shall be a minimum of four (4) inches in height and of a color contrasting to their background.
- 12. Note on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½ inch.
- 13. Note on the plans that the roof coverings to be no less than Class "B" rated roof.
- 14. Note on the plans that a 100-foot clearance will be maintained with noncombustible vegetation around all structures.
- 15. Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$75.00 Late Fee may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO OWNER. Please contact the Fire Prevention Secretary at (831) 479 6843 for total fees due for your project.
- 16. As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are

solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.

- H. Pay the current fees for Parks and Child Care mitigation for one bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for one bedroom.
- J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee.
- K. Provide required off-street parking for two cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- 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 16.42.080 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 16.42.080, shall be observed.

#### IV. Operational Conditions

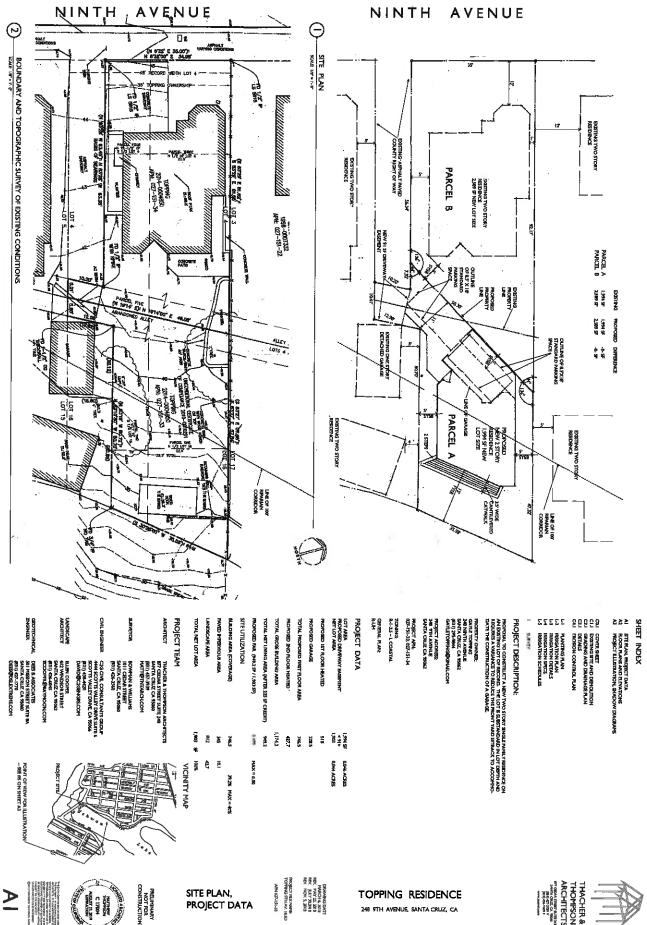
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

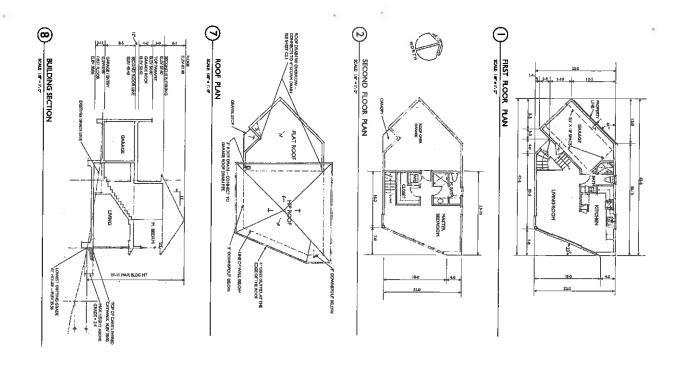
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

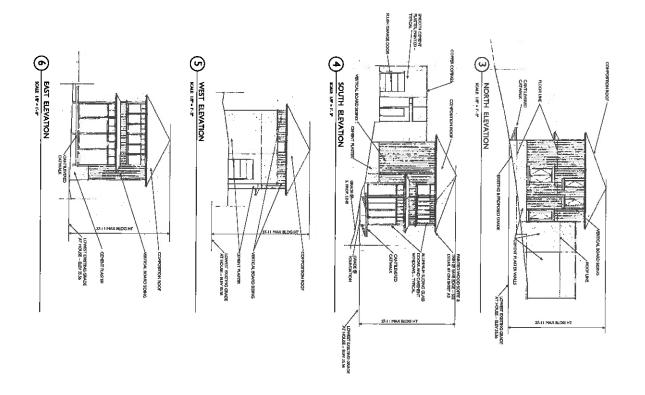
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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:		<del></del>	
	Jocelyn Drake		
	Deputy Zoning Administrator		

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.











FLOOR PLANS & ELEVATIONS



TOPPING RESIDENCE 248 9TH AVENUE, SANTA CRUZ, CA

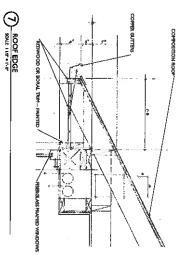


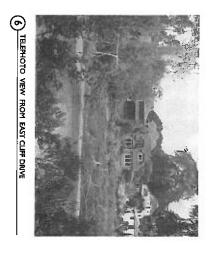


















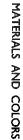












EXISTING HOUSE ON 9TH AVENUE EXISTING REAR YARD AND LOCATION OF THE PROPOSED NEW RISL-DENCE.

















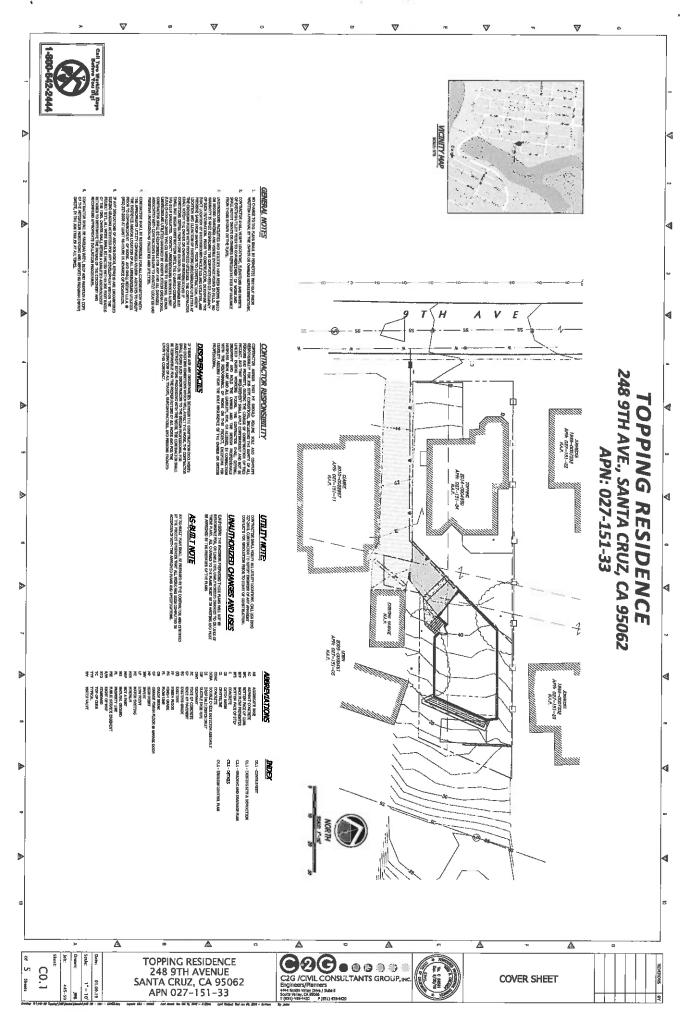


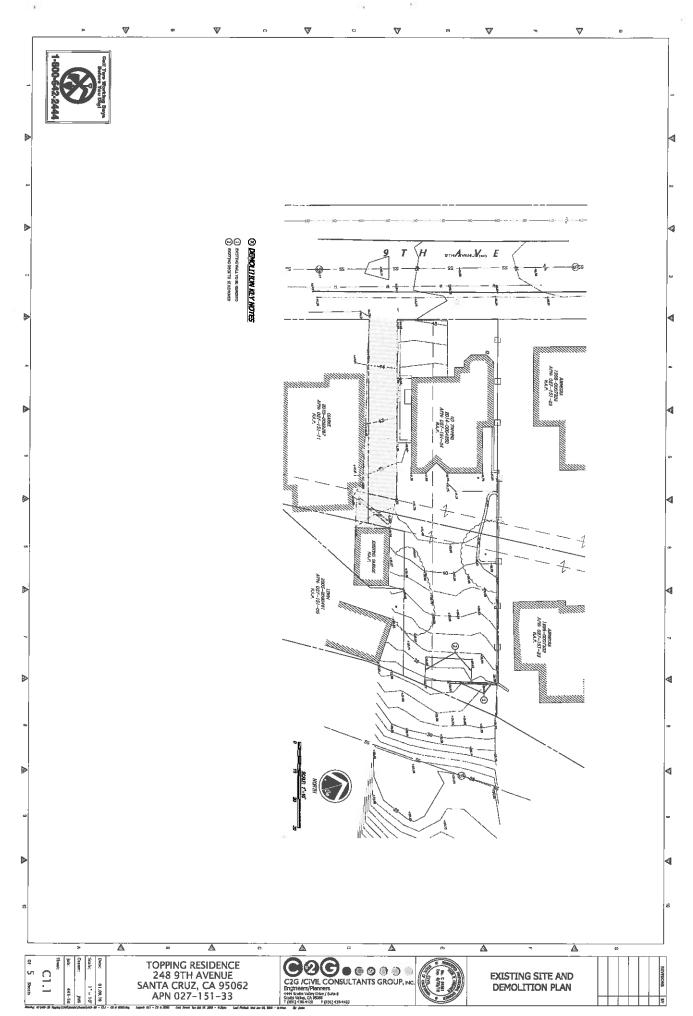
PROJECT ILLUSTRATIONS SHADOW DIAGRAMS

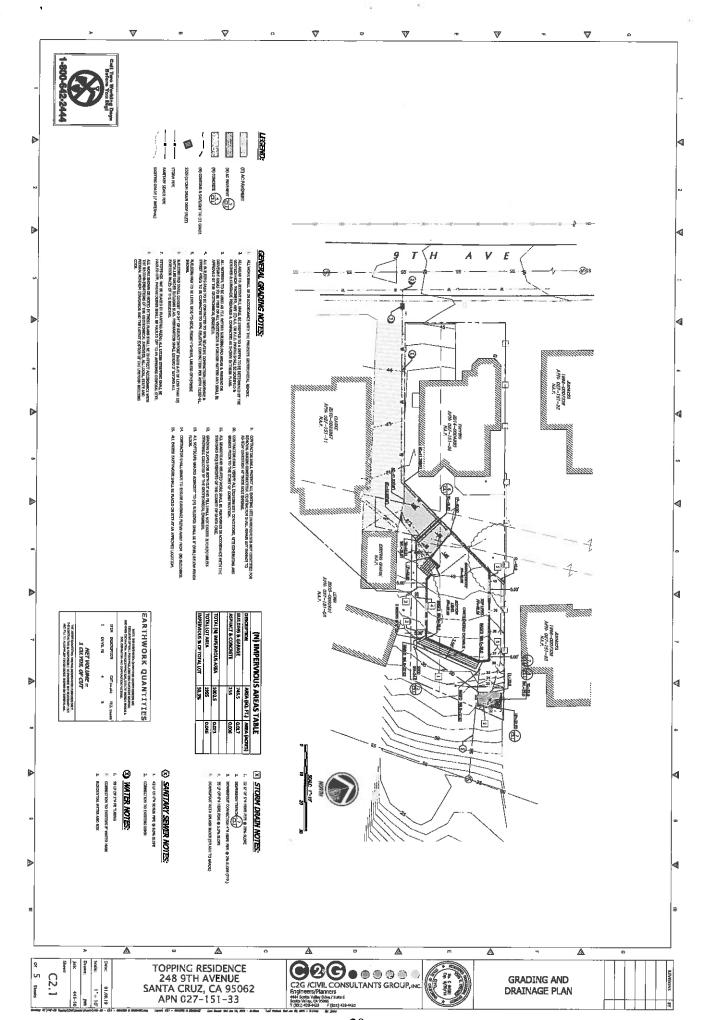


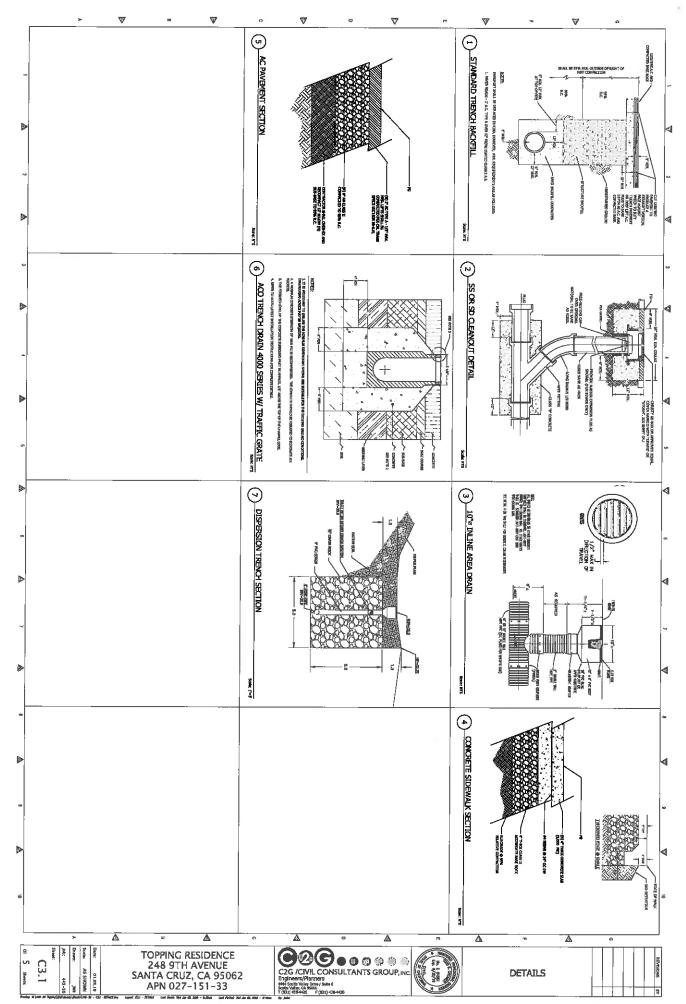
TOPPING RESIDENCE 248 9TH AVENUE, SANTA CRUZ, CA

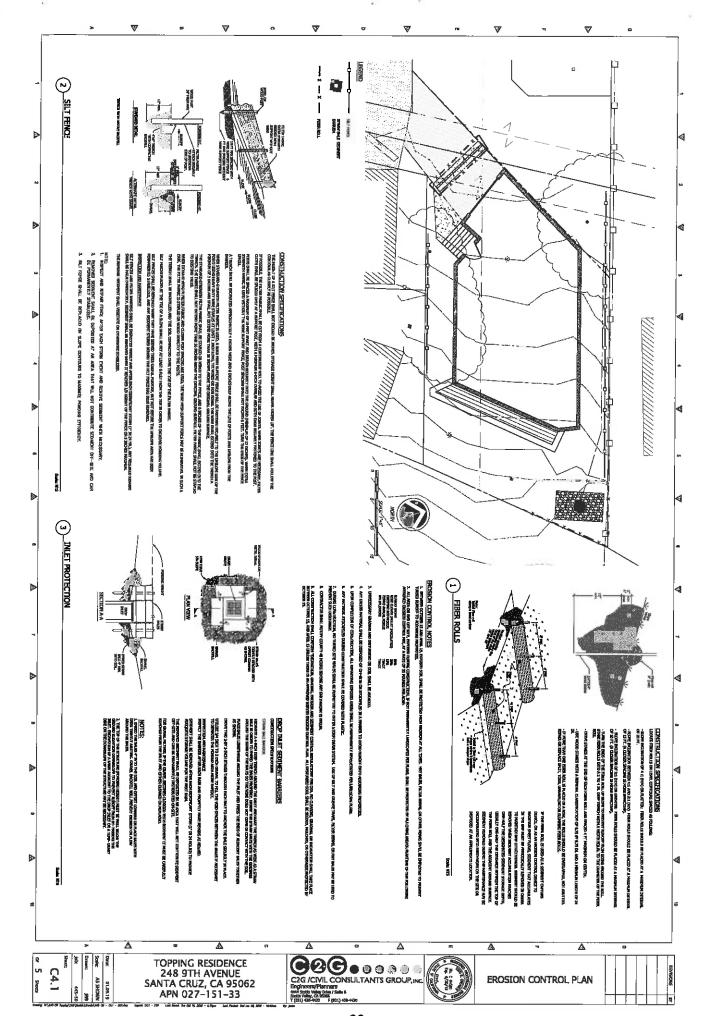


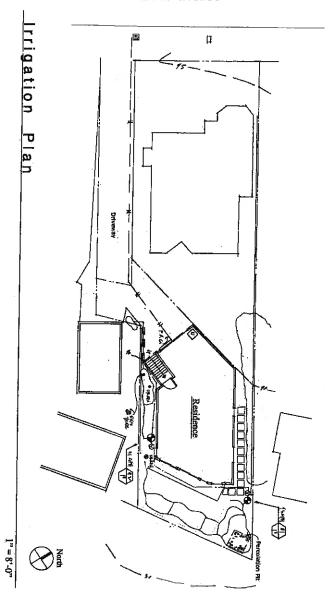












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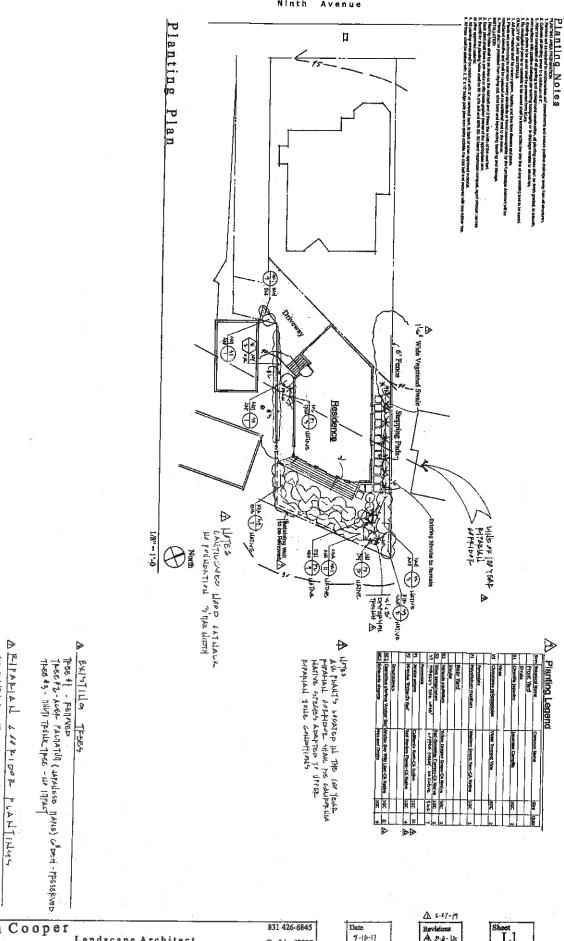
Ellen Cooper 831 426-6845 Landscape Architect

Ca. Lio. #2937

Date 5-13-17

Revisions
5-4-15
1-7-17
A 1-27-17

Irrigation Plan Sheet L2



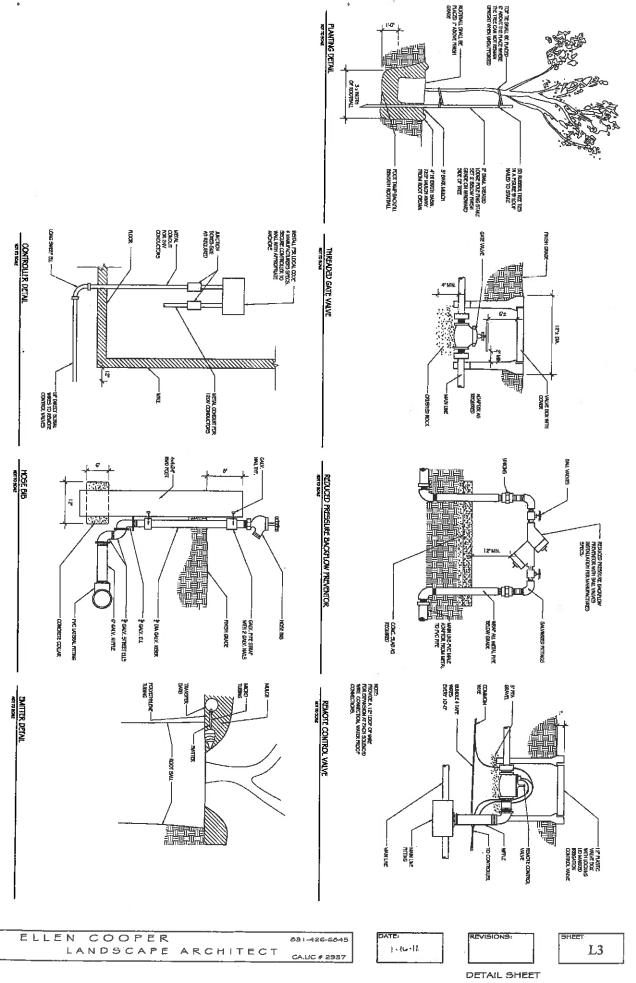
Ellen Cooper

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Landscape Architect

Date 7-15-17

Sheet L1



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Reference Landscape Water Braiget:
RLWB-459 (Ref Elio 36.5'Ye') (2008)) (Total Area 486 SqFt)
- 8.1 CCFYCar (148 GalaCCF)
- 6974 GalaYear
- Actual Landscape Water Use - Established Landscape
ALWB 1.545 (LandScape Water Use - Established Landscape
- 2.1 CCFYCar - 1544 GalaYear
- 2.1 CCFYCar - 1544 GalaYear
- 3.1 GalaYear Randscaped Area
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Ellen Cooper Landscape Architect

831 426-6845 Ca. Lic. #2937 Date 5-15-17

Revisions

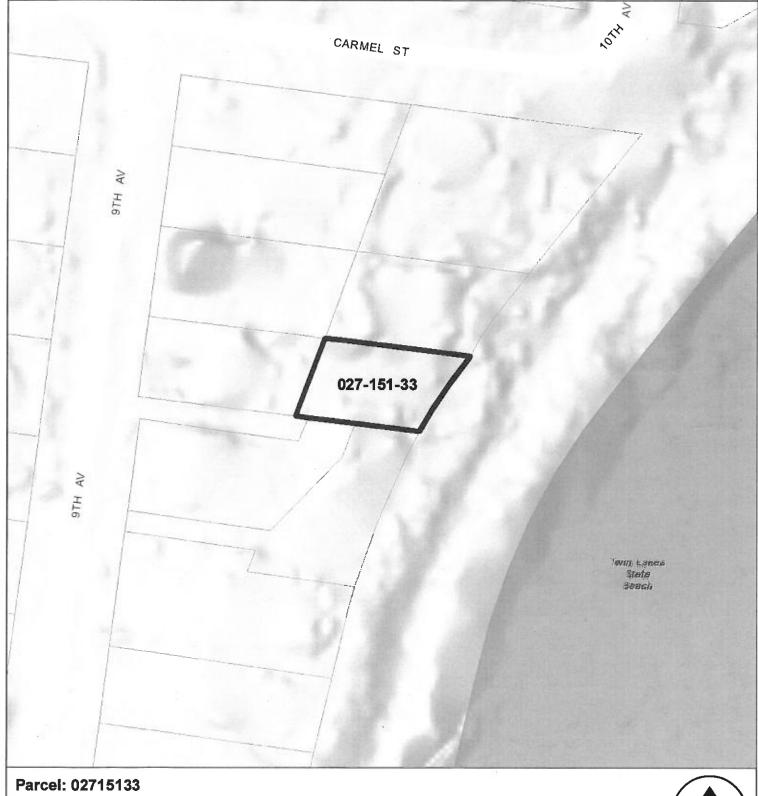
Sheet L5

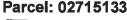


## SANTA CRUZ COUNTY PLANNING DEPARTMENT

## **Parcel Location Map**





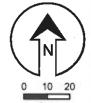


Study Parcel

Assessor Parcel Boundary

**Existing Park** 

Map printed: 20 May. 2019

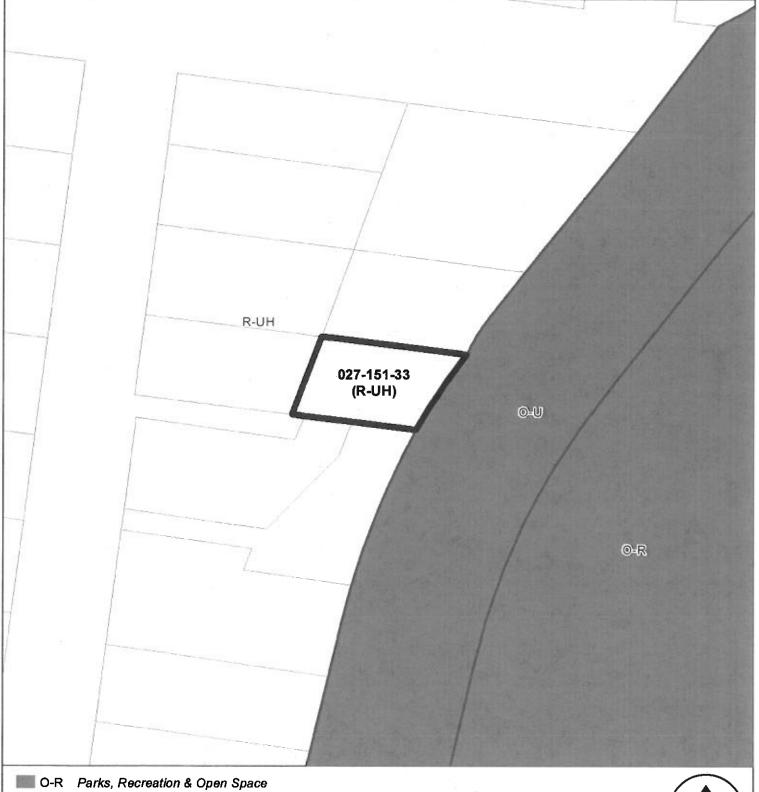




## SANTA CRUZ COUNTY PLANNING DEPARTMENT

Mapped Area

### **Parcel General Plan Map**



O-U Urban Open Space

R-UH Res. Urban High Density

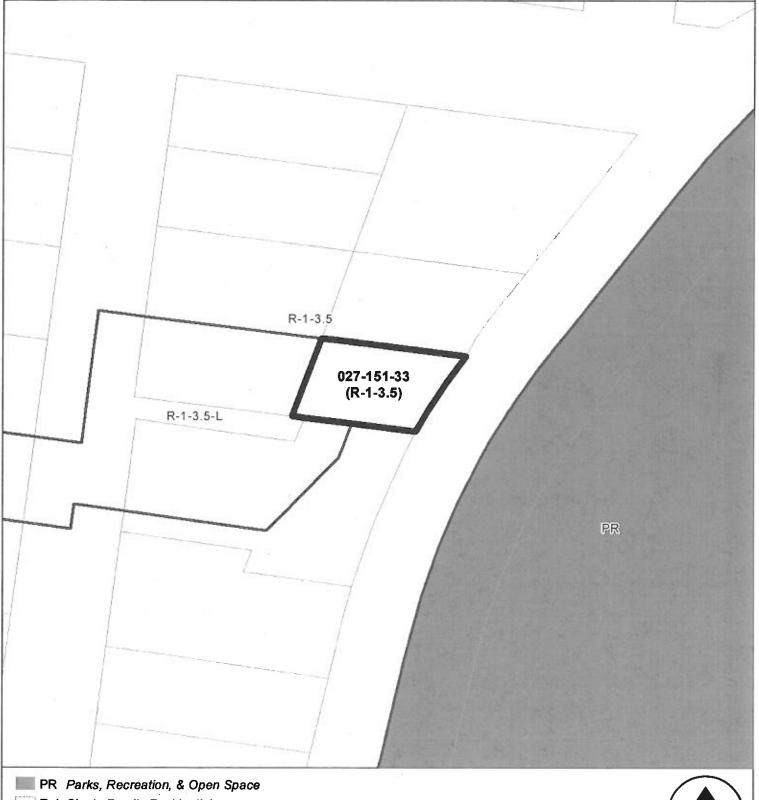




## SANTA CRUZ COUNTY PLANNING DEPARTMENT



### **Parcel Zoning Map**



R-1 Single-Family Residential



#### **Parcel Information**

#### **Services Information**

Urban/Rural Services Line: ✓

✓ Inside \_\_ Outside Santa Cruz City Water

Water Supply: Sewage Disposal:

County of Santa Cruz

Fire District:
Drainage District:

Central Fire Protection District Zone 5 Flood Control District

#### **Parcel Information**

Parcel Size:

1,994 square feet

Existing Land Use - Parcel:

Vacant, Single Family Residential

Existing Land Use - Surrounding:

Single Family Residential

Project Access: Planning Area:

9<sup>th</sup> Avenue Harbor

Land Use Designation:

R-UH (Urban High Residential)

Zone District:

R-1-3.5 (Residential, 3,500 square feet minimum)

Coastal Zone:

✓ Inside \_ Outside

Appealable to Calif. Coastal Comm.

✓ Yes \_\_ No

Technical Reviews: Soils Report Review

#### **Environmental Information**

Geologic Hazards:

Not mapped/no physical evidence on site

Fire Hazard:

Not a mapped constraint Gently sloped to the east

Env. Sen. Habitat:

Not a mapped constraint Less than 100 cubic yards

Tree Removal:

Archeology:

No significant trees proposed to be removed

Scenic:

Grading:

Slopes:

Not a mapped constraint Not a mapped constraint