



## Staff Report to the Zoning Administrator

Application Number: **00-0649**

**Applicant:** John Swift

**Owner:** Kim Jurnecka, John Sobieski, and  
Gayle Topping

**APN:** 027-151-22, 23, 30

**Agenda Date:** December 17, 2004

**Agenda Item #:** **6**

**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct one two-story, 1,100-square foot, one bedroom single-family dwelling on an existing vacant lot with access from 9" Avenue over an existing 12-foot driveway on Parcel 027-151-22 between 248 and 250 9" Avenue. Requires a Coastal Development Permit, a Variance to reduce the net parcel size from 3,244 square feet to about 2,119 square feet, a Variance to reduce the required frontage from 35 feet to about 28 feet, a Variance to reduce the required 10-foot south side yard from 10 feet to about 11 inches, and a Variance to increase the maximum Floor Area Ratio from 50 percent to about 54 percent all for Parcel 027-151-22, and a Variance to reduce the required 10-foot north side yard to about 10 inches for Parcel 027-151-30, and Residential Development Permit for a Less ~~Than~~ 40-foot Right-of- Way.

**Location:** Property located behind 250 9" Avenue on the east side of 9" Avenue, about 75 feet south of the Carmel Street.

**Supervisory District:** 1<sup>st</sup> District (District Supervisor: Jan Beautz)

**Permits Required:** Coastal Development Permit. Variance, and a Residential Development Permit for a Less than 40-foot right of way

### Staff Recommendation:

- Approval of Application 00-0649, 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                              | E. | Assessor's parcel map       |
| B. | Findings                                   | F. | Zoning map                  |
| C. | Conditions                                 | G. | Coastal Commission Comments |
| D. | Categorical Exemption (CEQA determination) | H. | Comments from agencies      |

### Parcel Information

Parcel Size: 027-151-22: 3,244 sf, 23: 2,730 sf, 30: 4,486 sf Emis est.  
Existing Land Use - Parcel: Vacant  
Existing Land Use - Surrounding: Residential  
Project Access: 9" Avenue  
Planning Area: Live Oak  
Land Use Designation: R-UH (Urban High Density)  
Zone District: R-1-3.5 (Single-Family Residential, 3,500 square foot minimum lot size)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Soil report required with building permit  
Fire Hazard: Not a mapped constraint  
Slopes: 0 to 15 percent  
Env. Sen. Habitat: Riparian  
Grading: Grading Permit required prior to building permit  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Preliminary plan accepted by DPW  
Roads: New 12-foot right of way to be established

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: City of Santa Cruz Water Department  
Sewage Disposal: County Sanitation District  
Fire District: Central Fire District  
Drainage District: Zone 5

### History

Previous plans for this new home included the development of the existing Schwan Lake Drive right of way to provide access to the subject parcel (027-151-23). Schwan Lake Drive contains some public utilities but has not been developed for vehicular traffic between the east terminus of Carmel Street and the south terminus of 9" Avenue. Public hearings to consider the previous plan were held in 2001 and 2002. The application is currently in "continued" status, requiring new notification for the present hearing date, and with special notification requirements for members of the public that were present at the most recent hearing. Verification of the noticing is on file at the Planning Department.

Parcel 30 (248 9" Avenue) has a NR5 rating on the Local Historic Inventory.

## The Current Proposal

The current plan does not propose the use of the Schwan Lake Drive right of way for access to Parcel 027-151-23. Access now is proposed to be from 9" Avenue over an existing 12-foot driveway on Parcel 027-151-22 between 248 and 250 9" Avenue. This approach avoids significant grading and disturbance to the riparian area that exists within the right of way adjacent to Schawn Lake Lagoon.

## Variances and Approvals

The use of the existing driveway between 248 and 250 9<sup>th</sup> Avenue to serve as access to Parcel 23 however, does require significant relief from County development standards with respect to site area, frontage, setbacks, floor area ratio, and access requirements for Parcel 22, with respect to setbacks for Parcel 30, and with respect to access requirements for Parcel 23. Specifically, the project as proposed requires the following specific Variances and Approvals for each parcel as follows:

### For Parcel **027-151-22:**

A Variance to reduce the net parcel size from 3,244 square feet to about 2,119 square feet, a Variance to reduce the required frontage from 35 feet to about 28 feet, a Variance to reduce the required 10-foot south side yard from 10 feet to about 11 inches, a Variance to increase the maximum Floor Area Ratio from 50 percent to about 54 percent and Approval for a Less Than 40-foot right of way, AND;

### For Parcel **027-151-30:**

A Variance to reduce the required 10-foot north side yard to about 10 inches.

### For Parcels **027-151-23:**

Approval for a Less Than 40-foot right of way.

The justification for all of the above Variances and Approvals is based on special circumstances that exist for Parcel 23. Specifically, Parcel 23 is a lot of record that has been landlocked as the result of the fact that the original 40-foot right of way created to serve the lot (Schwan Lake Drive) has never been developed, and is not likely to be developed. Current coastal regulations, the County's General Plan and Local Coastal Program, and riparian protection regulations clearly discourage the development of Schwan Lake Drive. This situation did not exist when the parcel was created, and it was expected that Schwan Lake Drive would be developed similar to other local streets in the area. Without a developed right of way to provide access to the parcel, development privileges enjoyed by other property in the vicinity and under identical zoning classification would be denied. The proposed alternative access via a private easement restores the same privileges that would exist if this special circumstance did not encumber the property.

Further, given the significant amount of grading and disturbance to the lagoon shoreline that would be needed to develop Schwan Lake Drive to serve Parcel 23, the access as proposed is a considerably more environmentally sensitive solution to providing access to this property.

Although variances are required to establish the right of way, there will be no change to the existing development on Parcels 22 and 30. Since a driveway currently exists on the proposed right of way location, there will be no apparent change to the development fronting 9<sup>th</sup> Avenue.

### **Zoning & General Plan Consistency**

The subject properties are located in the R-1-3.5 (Single-Family Residential, 3,500 square foot minimum lot size) zone district, a designation that allows residential uses. The proposed residential use is a principal permitted use within the zone district and the project is consistent with the site's (R-UH) Urban High Density General Plan designation, or the appropriate Variances have been included to permit modifications to site development standards and General Plan density standards to below minimum requirements.

### **Local Coastal Program Consistency**

The proposed residential use 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 dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and 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.

The proposed development on Parcel 23 meets the minimum 110-foot distance from the high water mark of the lagoon; therefore a Riparian Exception is not required.

### **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**

- e **APPROVAL** of Application Number **00-0649**, based on the attached findings and conditions.
- e 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)

Report Prepared By: John Schlagheck  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3012  
E-mail: [john.schlagheck@co.santa-cruz.ca.us](mailto:john.schlagheck@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 R-1-3.5 (Single-Family Residential, 3,500 square foot minimum lot size), a designation that allows residential uses. The proposed residential use is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High Density 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 architectural style; the site is surrounded by lots developed to an urban density; the colors 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 the project site is not located between the shoreline and the first public road. Consequently, the residential use 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.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, 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 foot minimum lot size) zone district of the area; as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely, and the design is not inconsistent with the range.

## Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residential use will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks or the appropriate approvals have been granted to permit modifications to site development standards and General Plan density standards to below minimum requirement.

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 residential use 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 foot minimum lot size) zone district in that the primary use of the property will be one residential unit 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.

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

The proposed residential use will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed residential use will comply with the site standards for the R-1-3.5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 residential is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per dwelling unit), such ~~an~~ increase will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential 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 residential structure 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.



## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, **the** strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the Parcel **23** is a lot of record that has been landlocked **as** the result of the fact that the original 40-foot right of way created to serve the lot (Schwan Lake Drive) has never been developed, and is not likely to be developed. Current coastal regulations, the County's General Plan and Local Coastal Program, and riparian protection regulations clearly discourage the development of the Schwan Lake Drive. This situation did not exist when the parcel was created. Without a developed right of way to provide access to the parcel, development privileges enjoyed by other property in the vicinity and under identical zoning classification would be denied. The proposed alternative access via a private easement restores the same privileges that would exist if this special circumstance did not encumber the property.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that Parcel 23 was created at the same time as the surrounding parcels, and it is reasonable to expect that it would be developed in at fashion similar to those same surrounding parcel. The project as proposed provides for development consistent with the intent of the zoning objectives.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with *the* limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that surrounding parcel in the area with similar access issues have been developed using private easements such as that used in this project. The Variances obtained for this project do not permit development above or beyond that which has been approve on lots with similar special circumstances.

## Conditions of Approval

Exhibit A: Plans (3 sheets) by Dennis Britton, dated 9/13/04

- I. This permit authorizes the construction of one two-story, 1,100-squarefoot, one-bedroom single-family dwelling unit on Parcel 027-151-23 with access via a private easement over a less than 40-foot right of way; Also, a Variance to reduce the net parcel size from 3,244 square feet to about 2,119 square feet, a Variance to reduce the required frontage from 35 feet to about 28 feet, a Variance to reduce the required 10-foot south side yard from 10 feet to about 11 inches, and a Variance to increase the maximum Floor Area Ratio from 50 percent to about 54 percent all for Parcel 027-151-22, and a Variance to reduce the required 10-foot north side yard to about 10 inches for Parcel 027-151-30 . 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. Sign and record an easement agreement for access over Parcel 027-151-22 for access to Parcel 027-151-23.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official, the grading plans must be prepared by a licensed civil engineer.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cmz (Office of the County Recorder).
  - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    - 2. Grading, drainage, and erosion control plans.
    - 3. For any structure proposed to be within 3 feet of the maximum height limit for the zone district, the building plans must include a roof plan and

a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure.

4. Details showing compliance with fire department requirements.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
  - D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
  - G. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
  - H. Pay the current fees for Roadside and Transportation improvements for 1 new dwelling unit. Currently, these fees are, respectively, \$2,000 and \$2,000 per unit.
  - I. Provide required off-street parking for 2 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.
  - J. 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. No construction or disturbance is permitted within 110 feet of the adjacent lagoon.
  - B. All inspections required by the building permit shall be completed to the

satisfaction of the County Building Official.

- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at anytime during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no **human** remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

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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: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
John Schlagheck  
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: 00-0649

Assessor Parcel Number: 027-151-22, 23, 30

Project Location: 248 and 250 9th Avenue

**Project Description: Construction of one single-family dwelling on an vacant parcel of record**

**Person or Agency Proposing Project: John Swift**

**Contact Phone Number: (831) 425-5999**

- 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 - New Construction or Conversion of Small Structures (Section 15303)

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

Construction of one unit with all urban services with correct zoning and General Plan designation

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

\_\_\_\_\_  
John Schlagheck, Project Planner

Date: \_\_\_\_\_

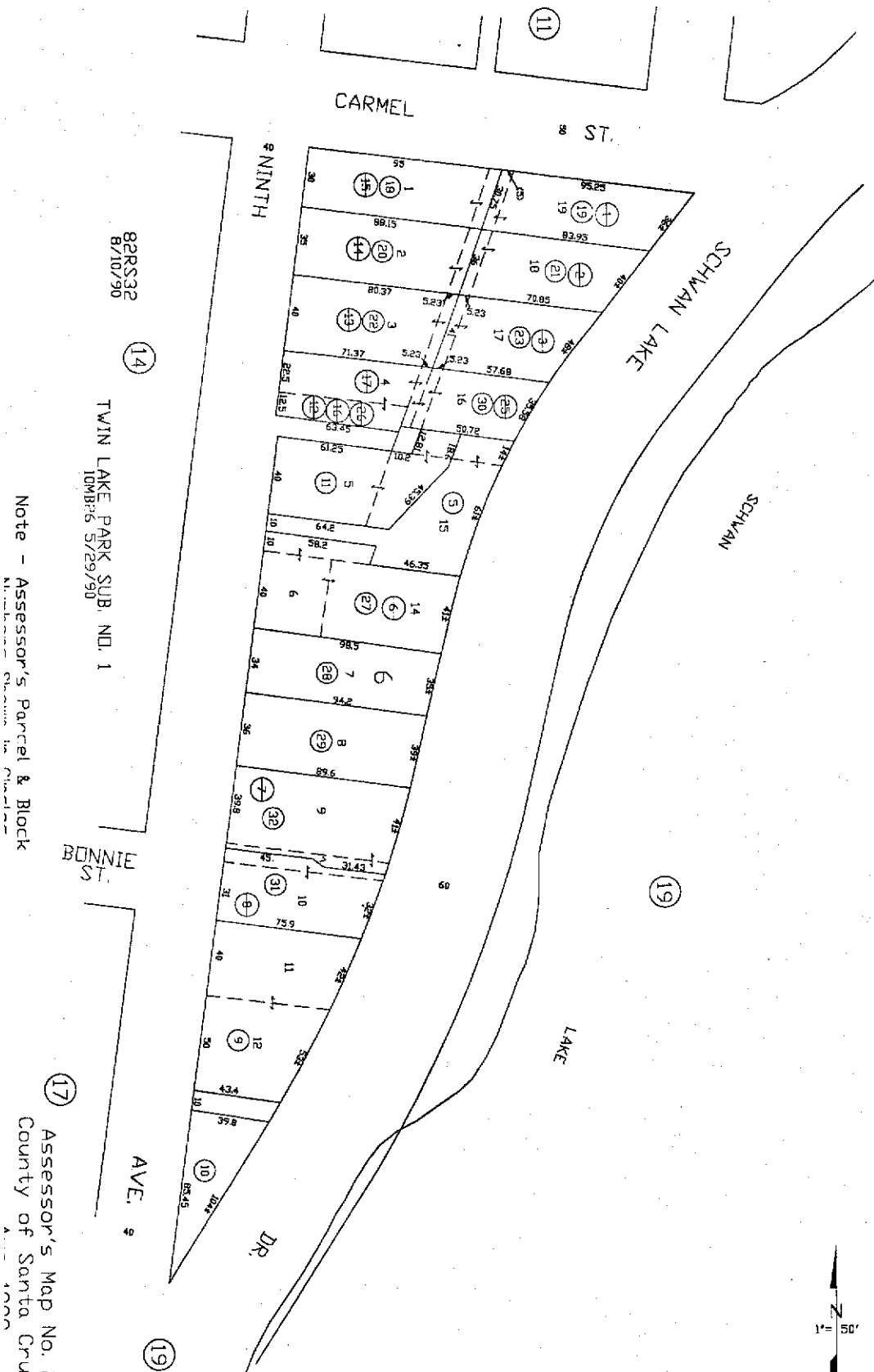
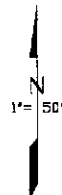
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 v. 2/2/99 GS (Con. dim. 1-22)  
 v. BVS/99 DB (9-10-1996, LRA 1-31 & 32)  
 v. 4/2/01 nvn (changed page refs.)

**FOR TAX PURPOSES ONLY**  
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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED, ALL RIGHTS RESERVED.  
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POR. OF N.W. 1/4 SEC. 20,  
 1.11S., R.1W., M.D.B. & M.

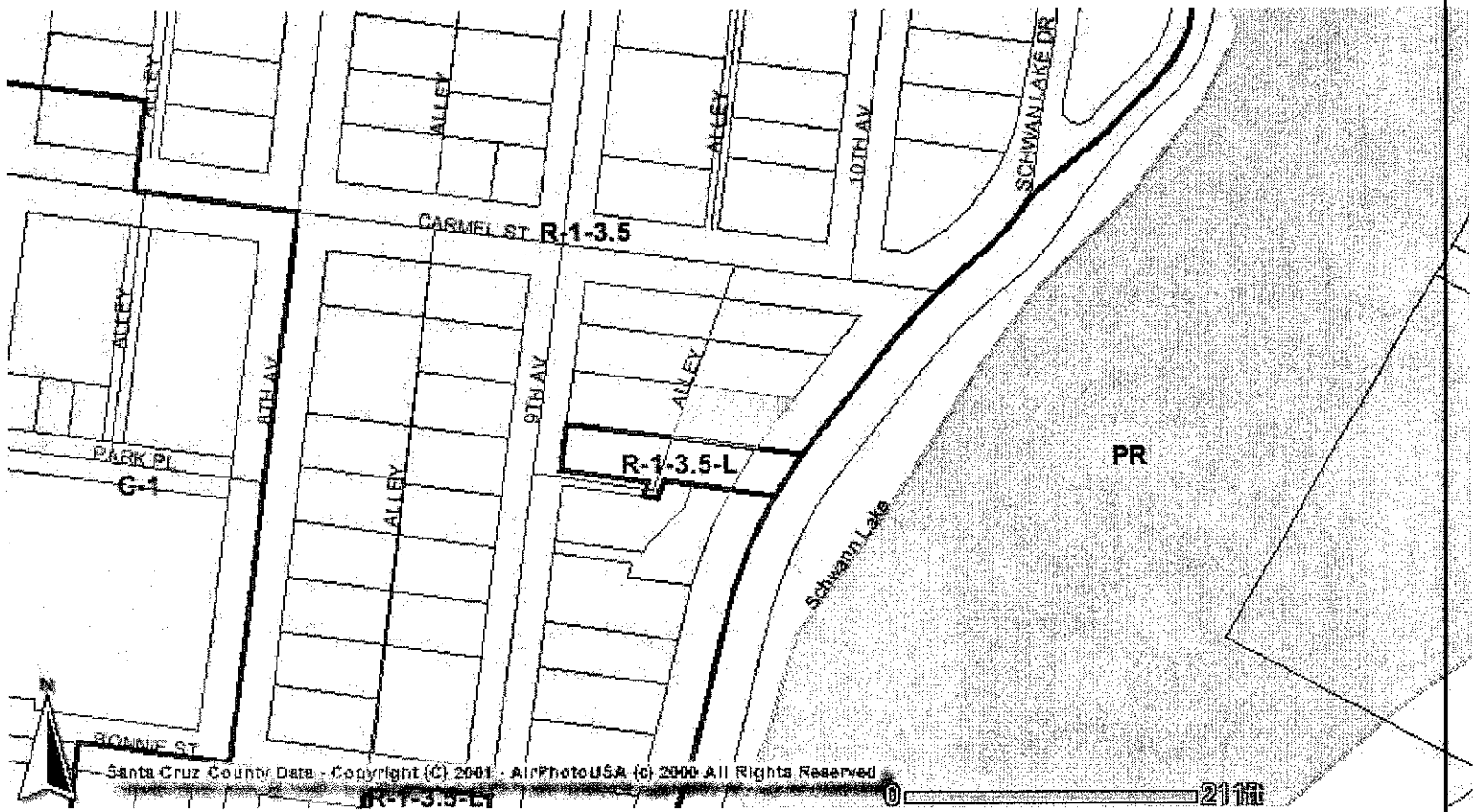
Tax Area Code  
 82-040

27-15



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

Assessor's Map No. 27-15  
 County of Santa Cruz, Calif.



Zoning Map

## John Schlagheck

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**From:** Dan Carl [dcarl@coastal.ca.gov]  
**Sent:** Tuesday, June 15, 2004 12:16 PM  
**To:** John Schlagheck  
**Subject:** RE: 00-0649 (Sobeski) Coastal Permit

Yes. This current plan is significantly improved from the last one due to the removal of the driveway access on the lagoon side. Thanks for pushing them in this direction. It is a much better project now. Couple of things to keep in mind from our perspective are:

To ensure that it meets the LCP's lagoon buffer/setback requirements, that appropriate native riparian vegetation be required to be planted, that lighting be limited to that which doesn't spill over into the setback/buffer/lagoon area, and that future development in the setback/buffer area be prohibited. We recommend that any such requirements be recorded as restrictions on the property.

The percolation pits are a start, but they are not likely large enough and haven't incorporated vegetation that can act to help filter and treat the runoff. Would suggest they be expanded and planted (with grasses and/or hydrophytics capable of filtering/treating runoff) and/or attached to a planted filter strip ("upstream" of the pits).

On a more global note, the adjacent lot (lot 30) appears to be vacant, and there appears to be an SFD straddling lots 19 and 21. On lot 21, a possible scenario is that there is a lot line adjustment to allow another SFD and/or there is a knock-down/rebuild where 2 SFDs are built. In either scenario, it isn't clear that takings would be engendered (to dictate approval of a second SFD) because this landowner already has an SFD. Thus, while a second SFD may be proposed, it isn't clear that same would be approvable. On lot 30, that is less clear. Have you (or anyone else over there) done any research on property ownership and/or lot legality with these lots? It is possible that takings would be engendered on lot 30 (depends on a bunch of factors, including whether lot 30 is owned by a property owner immediately adjacent). In any case, I bring these issues up for these lots in case the same site access question is raised. Would the driveway to this site (from 9th) be capable of serving these adjacent lots in a development scenario? It appears to be so. This would be preferred to road/driveway development on the lagoon side in future development scenarios, and you probably want to evaluate the potential for such future development and be sure to condition this project to require them to allow adjacent (landlocked) sites to use the shared driveway.

On another global note, I am not aware of a coastal permit that allowed the apparent clearing of the riparian vegetation in the Schwann Lake paper street area. Did anyone ever look into this? It appears to be a code enforcement issue.

That's it for now...Hope that helps...Call/email if you'd like to further discuss...Thanks.

Dan

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

**From:** John Schlagheck [mailto:PLN761@co.santa-cruz.ca.us]  
**Sent:** Monday, June 14, 2004 4:12 PM  
**To:** Dan Carl  
**Subject:** RE: 00-0649 (Sobeski) Coastal Permit

Dan, I went ahead and sent you a set of plans after we had this E-discussion. Have you had a chance to review them?

John P. Schlagheck  
Development Review Planner  
County of Santa Cruz Planning Department  
Fourth Floor  
701 Ocean Street  
Santa Cruz, CA 95060



**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: John Schlagheck  
Application No.: 00-0649  
APN: 027-151-22

Date: November 19, 2004  
Time: 13:50:18  
Page: 1

**Environmental Planning Completeness Comments**

===== REVIEW ON NOVEMBER 2, 2000 BY BETH DYER =====

1. This project, is at least partially located within the riparian zone, which is defined as 100' from the annual high water mark of a standing water body, plus a 10' development setback for a total of 110'. As a result, this project will require a Riparian Exception Permit.

This application may be amended by submitting the following materials, along with the appropriate fees, to the Zoning Counter: a project description which includes a full statement of the activities to be undertaken, mitigation measures proposed (e.g., erosion control and revegetation), and the reasons for the exception; and a plot plan showing the distance to the watercourse, all proposed development activities including alterations to topography and drainage structures, and the extent of areas to be revegetated. Please note that extending and upgrading Schwan Lake Drive is considered to be a development activity.

The fee for the Riparian Exception Permit is \$430. This application cannot be deemed complete until the Riparian Exception permit is approved.

2. This project will require a soils report from a registered geotechnical engineer addressing foundation design, drainage, grading, and erosion control. Please amend this application to include a soils report review by submitting three (3) copies of the report to the Zoning Counter, along with the \$626 review fee. This application cannot be considered complete until the County has reviewed and accepted the soils report.

===== UPDATED ON DECEMBER 13, 2000 BY ROBERT S LOVELAND =====

1. Please provide a copy of the recorded document that describes the length and width of the "Fire Access Easement" (shown on the site plan) and the purposes for which this easement has been granted.

===== UPDATED ON MARCH 30, 2001 BY KEN C HART ===== The Riparian Exception Findings and Conditions have been completed by Bob Loveland, who will transmit these documents to you for your use in processing the Coastal Development Permit.

===== UPDATED ON MAY 1, 2003 BY ROBERT S LOVELAND =====

1. I received a "Driveway Plan" produced by Ifland Engineers dated 2/20/03. Please provide proposed contours for the "Areas of Backfill Against Retaining Wall" and clearly identify the Limits of Grading for the entire driveway.

2. Please provide a detailed Revegetation Plan for this driveway proposal. =====  
UPDATED ON MAY 24, 2004 BY ROBERT S LOVELAND =====

Received 6th routing with major change of driveway location.

EXHIBIT H

Discretionary Comments - Continued

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1. Provide earthwork calculations (cut/fill) in cubic yards.
2. Provide a grading cross-section running east/west through the parking area retaining wall, kitchen, dining and terrace area.
3. Provide a grading cross-section running north/south through the kitchen area and basement.
4. Show proposed contours on the grading plans
5. Show the edge of Schwan Lake on the "Site Plan" and show the following information:
  - A. Identify the 100 and 110 foot riparian setback (measured horizontally) from the high watermark of the lake. ===== UPDATED ON JULY 14, 2004 BY ROBERT S LOVELAND

7th Routing:

Items 1-3 have been addressed.

4. A "Condition of Approval" will be to obtain a grading permit. The grading plan must be completed by a licensed civil engineer.
5. Recheck the scale of the site plan (Sheet 1), dated 6/11/04. The 100 foot riparian setback needs to be to scale and the additional 10 foot construction buffer shows to different measurements for the same distance. Please correct on next submittal.
6. The site plan shows an "on grade terrace" located within the 10 foot construction buffer. The development proposed within the buffer would require a riparian exception. NOTE: The "findings" (Chapter 16.30 Section 16.30.060(d)) required to approve this part of the development cannot be made. All proposed development shall avoid incursion into the construction buffer. ===== UPDATED ON SEPTEMBER 10, 2004 BY ROBERT S LOVELAND =====

Reviewed 8th routing 9/10/04 (Plans dated 8/3/04):

All comments above have been addressed or do not pertain to this revised set of plans.

A riparian exception is no longer required for this project since the access road is now proposed directly off 9th Ave and all proposed development is planned outside the 110 foot buffer.

Environmental Planning Miscellaneous Comments

===== REVIEW ON NOVEMBER 2, 2000 BY BETH DYER =====

1. For the building permit application, an erosion control plan will be required.

Discretionary Comments - Continued

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===== UPDATED ON MAY 24, 2004 BY ROBERT S LOVELAND =====

Conditions of Approval :

1. A soils report completed by a licensed geotechnical engineer is required. Submit 3 copies of the completed report to the County for review.
2. Obtain a grading permit. The submitted grading and drainage plan shall be completed by a licensed civil engineer.
3. Submit a detailed erosion control plan for review. Identify what type of erosion control practice is to be utilized on-site (e.g. straw bales, silt fencing, etc.), show where the practice is to be installed and provide construction details for each practice selected

Project Review Completeness Comments

===== REVIEW ON MAY 26, 2004 BY MELISSA K ALLEN =====  
See comments memo submitted by RDA on 5/26/04.

Project Review Miscellaneous Comments

===== REVIEW ON MAY 26, 2004 BY MELISSA K ALLEN =====  
See comments memo by RDA dated 5/26/04

Dpw Drainage Completeness Comments

===== REVIEW ON NOVEMBER 2, 2000 BY ALYSON B TOM =====  
After review of the plans for the subject project we have the following drainage comments:

1. Please provide additional drainage information showing the watershed area draining to the site.
2. Clarify what measures (if any) will be taken to protect the proposed building from upstream runoff.
3. Please provide information showing the existing drainage pattern and improvements along Schwan Lake Drive. How will the proposed improvements conform to the existing roadway and drainage? What improvements will be made between the East property line and the edge of pavement on Schwan Lake Drive.
4. A Zone 5 drainage fee will be assessed on the net increase in impervious area. The fees are currently \$0.70 per square foot and shall be increased on each upcoming July 1 by \$0.05 until they reach \$0.85 per square foot by the year 2003. Credit

Discretionary Comments - Continued

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will be given for all existing permitted buildings and impervious areas currently on the site. Submit all relevant information to show existing improvements (if any) on the site. ===== UPDATED ON MAY 14, 2001 BY ALYSON E TOM =====  
Please see miscellaneous comments for issues to be addressed in building permit stage. ===== UPDATED ON JULY 3, 2002 BY ALYSON B TOM ===== Application with plans revised on 6/10/02 has been received. All of the previous miscellaneous comments are still applicable. Please address them in the building application stage. ===== UPDATED ON APRIL 25, 2003 BY ALYSON B TOM ===== Revised road plans dated 3/21/03 by Ifland Engineers has been received. The following off-site issues with the new design need to be addressed at this discretionary stage.

- 1) Please demonstrate how drainage from above the proposed driveway will be accommodated by the the project. It appears that the proposed grading associated with the driveway will be changing drainge patterns on the northwest side of the driveway.
- 2) The plans show a drilled pier being installed directly over an existing storm drain pipe. How deep is this pipe? Demonstrate that the pier and the backfill will not impact this pipe.
- 3) All runoff from proposed driveway and parking areas must be treated prior to release to Schwan Lagoon.
- 4) The existing storm drain inlet at the southeastern bend in Carmel Avenue is drawn as a manhole. What work, if any is proposed for this inlet?

For questions regarding this review Public Works stormwater management staff is available from 8-12 Monday through Friday.

===== UPDATED ON JULY 14, 2003 BY ALYSON B TOM ===== Application with civil plans revised on 5/29/03 has been recieved and is complete for the discretionary application.

===== UPDATED ON MAY 18, 2004 BY ALYSON B TOM ===== Application with plans submitted for a 6th routing are complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues that must be addressed prior to building permit issuance.

===== UPDATED ON JULY 12, 2004 BY JOHN G LUMICAO ===== Application with plans submitted for the 7th routing are complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues that must be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

===== REVIEW ON NOVEMBER 2, 2000 BY ALYSON B TOM =====  
NO COMMENT

===== UPDATED ON MAY 14, 2001 BY ALYSON B TOM =====

The following comments can be addressed in the building permit stage:

- 1) Completeness comment 1 made on 11/2/00 still needs to be addressed.
- 2) Site is located in a groundwater recharge zone. Please show that the proposed percolation pits are sized to adequately recharge the added runoff back into the

Discretionary Comments - Continued

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ground. Percolation will be deemed sufficient once **it** is demonstrated that the proposed runoff rate (in cubic feet per second) from the site will not be any greater than the existing runoff rate. Calculations should include site specific soils data from a soils engineer.

3) For questions regarding this review Public Works drainage staff is available from 8:00-12:00 Monday through Friday. ===== UPDATED ON OCTOBER 29, 2001 BY ALYSON B TOM =====

Please address the following comments in addition to comments made on 5/14/01.

1) Final written approval from a geotechnical engineer will be required for the on-site and off-site drainage plans. The engineer should state that the proposed driveway plan will not cause any erosion or slope stability problems.

2) Zone 5 drainage fees will be **required** for the net increase in **impervious** area due to this project - including the proposed access drive (4" or more of **baserock** is considered impervious).

3) For questions regarding this review Public Works drainage staff is available from 8:00-12:00 Monday through Friday. ===== UPDATED ON JULY 14, 2003 BY ALYSON B TOM ===== The following comments, in addition to previous miscellaneous comments should be addressed prior to building permit issuance.

1) All runoff from the proposed **driveway/access** road should be treated prior to release to the lagoon. Please incorporate water quality treatment in the final design.

===== UPDATED ON MAY 18, 2004 BY ALYSON B TOM ===== The following comments in addition to all other previous miscellaneous comments must be addressed prior to building permit issuance.

1) Provide topographic information for the area of the proposed driveway, turnaround and parking areas. The existing and proposed drainage patterns should be clear. Describe what type of surfacing is existing in these areas.

2) The proposed retention facilities should be sized to handle the increase in runoff from all proposed impervious and semi-impervious areas (including the driveway, turnaround and parking areas). Describe how runoff from these areas will be directed to the retention facilities. The calculations for the sizing of the retention facilities should include these areas. The facilities should be located as far away from the property lines as possible.

3) Safe overflow should be included in the design of the retention facilities. Provide construction details for the facilities. Consider including spreading for the overflow.

4) Depending on the design of the retention facilities, they **may** be regulated by the EPA as class V injection wells. See <http://www.epa.gov/npdes/pubs/swclassvwells-fs.pdf> for more information. It is the owner/applicants responsibility to meet these requirements as necessary.

===== UPDATED ON JULY 12, 2004 BY JOHN G LUMICAO ===== All previous miscellaneous comments must be addressed prior to building permit issuance.

Discretionary Comments - Continued

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Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON NOVEMBER 17, 2000 BY RUSSELL M ALBRECHT =====  
No Comment, project adjacent to a non-County maintained road.  
===== UPDATED ON APRIL 30, 2003 BY RUSSELL M ALBRECHT =====  
Proposed driveway now comes off Carmel and 10th. these are County maintained road-ways. ===== UPDATED ON APRIL 30, 2003 BY RUSSELL M ALBRECHT =====

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON NOVEMBER 17, 2000 BY RUSSELL M ALBRECHT =====  
encroachment permit required for all off-site work in the county road right-of-way of 9th, 10th, carmel, and dolores streets. ===== UPDATED ON APRIL 30, 2003 BY RUSSELL M ALBRECHT =====  
Driveway to conform to County Design Criteria Standards.  
Encroachment permit required for all off-site work in the County road right-of-way.  
Engineered plans required for retaining wall and storm drain extension within the County road r/w.

Dpw Road Engineering Completeness Comments

===== REVIEW ON NOVEMBER 2, 2000 BY RODOLFO N RIVAS ===== Plans for the building permit application will need to include the driveway radii and the driveway structural section from the edge of pavement to the property line  
===== UPDATED ON JULY 18, 2001 BY RODOLFO N RIVAS =====  
The Proposed access and the proposed improvements to Schan Lake Drive are acceptable to Road Engineering with the condition that a gated access for emergency and for maintenance vehicles is constructed on the east side of Schwan Lake Drive. Please resubmit plans incorporating the gated access. ===== UPDATED ON JULY 19, 2001 BY RODOLFO N RIVAS =====  
===== UPDATED ON OCTOBER 29, 2001 BY RODOLFO N RIVAS =====  
Revised plan set has been reviewed and no additional information is required at this time. ===== UPDATED ON JULY 15, 2002 BY JACK R SOHRIAKOFF =====  
The revised plans dated 6/10/02 do not provide a profile of the proposed driveway from the end of Carmel Street to the project parcel. It is recommended that a profile be provided for review by Public Works prior to the public hearing.  
===== UPDATED ON JUNE 19, 2003 BY RODOLFO N RIVAS =====  
NO COMMENT  
===== UPDATED ON MAY 20, 2004 BY TIM N NYUGEN =====  
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON NOVEMBER 2, 2000 BY RODOLFO N RIVAS =====  
NO COMMENT  
===== UPDATED ON JULY 18, 2001 BY RODOLFO N RIVAS =====  
NO COMMENT  
===== UPDATED ON OCTOBER 29, 2001 BY RODOLFO N RIVAS =====  
Plans with the building permit application will need to show a minimum of 6" of class 2 AB for the driveway and for the access road. ===== UPDATED ON JULY 15, 2002 BY JACK R SOHRIAKOFF =====

Discretionary Comments - Continued

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Any new driveway will need to meet current design criteria standards for structural section. Building plans must show the appropriate requirements. ===== UPDATED ON JUNE 19, 2003 BY RODOLFO N RIVAS =====

Please be aware that an encroachment permit will be required for all off-site work in the County right-of-way. NO COMMENT

===== UPDATED ON MAY 20, 2004 BY TIM N NYUGEN =====

If the driveway will serve two single family dwellings, Road Engineering requirements will require the driveway to be 24' wide. A minimum of 18' will be acceptable.

===== UPDATED ON JUNE 7, 2004 BY TIM N NYUGEN =====

The driveway will be serving two parcels so **it** is a recommendation only to have the driveway 18' wide **if** possible. The driveway should be acceptable with a 12' width as shown on the plans.