



Staff Report to the Zoning Administrator

Application Number: **04-0310**

Applicant: Theodore and Judith Wallace
Owner: Theodore and Judith Wallace
APN: 027-082-11

Agenda Date: August 18, 2006
Agenda Item #: **3.**
Time: After 10:00 a.m.

Project Description: Proposal to construct a new single family dwelling with an attached single car garage and a driveway in the public right-of-way.

Location: Schwann Lake Drive. Santa Cruz

Supervisory District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Coastal Development Permit

Staff Recommendation:

- Approval of Application 04-0310, 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, Original Subdivision Map | J. | Riparian Exception |
| B. | Findings | K. | Urban Designer's memo |
| C. | Conditions | L. | Fire District memo re: access |
| D. | Categorical Exemption (CEQA determination) | M. | Letter from neighbor re: access |
| E. | Location map | N. | Letter from Quality Arbor Care dated June 14, 2006 |
| F. | General Plan map | O. | Aerial view of parcel and adjacent properties |
| G. | Zoning map | P. | Photos showing driveway access |
| H. | Discretionary Application Comments | | |
| I. | Arborists report | | |

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

Parcel Information

Parcel Size: 5,140 sq. ft.
Existing Land Use - Parcel: vacant
Existing Land Use - Surrounding: single family residential
Project Access: Dolores Street
Planning Area: Live Oak
Land Use Designation: R-UH (Residential Urban High Density)
Zone District: R-1-3.5 (3,500 sq. ft. min. site area)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: 229 cubic yards of grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: N/A
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

Project Setting/ Site Access

The site is a remnant lot in the Twin Lake Park Subdivision (see Exhibit A) platted in 1890. There is a ten foot wide strip that leads from Dolores Avenue (formerly Fourth Street) to the property. The Central Fire Protection District (see Exhibit L) requires a twelve feet minimum width access way. The adjacent neighbor is unwilling to sell the applicant the two feet wide strip required for an acceptable fire access (see Exhibit M). This proposal includes an access drive using the right-of-way called Schwann Lake Drive. An encroachment permit is required from the Department of Public Works.

Local Coastal Program Consistency

The proposed single family dwelling 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 between the nearest public road and the shoreline of a body of water located within the coastal zone, however 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.

Zoning & General Plan Consistency

The subject property is a 5,140 square foot lot, located in the R-1-3.5 (3,500 sq. ft. min. site area) zone district, a designation that allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UH) Residential Urban High Density General Plan designation.

SITE DEVELOPMENT STANDARDS TABLE

	R-1-3.5 Standards	Proposed Residence
Front yard setback:	15 feet (residence and front of garage)	20'-0"
Side yard setback:	5 feet / 8 feet	5'-0" / 8'-0"
Rear yard setback:	15 feet	15'-0"
Lot Coverage:	40 % maximum	29.7 %
Building Height:	28 feet maximum	26'-0" ±
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50 %)	38 %
Parking	3 bedrooms – 3 (18' x 8.5')	one in garage two uncovered

Design Review

The proposed single family dwelling complies with the requirements of the County Design Review Ordinance (13.11) and the Yacht Harbor Area Special Community requirements (13.20). The project has been reviewed by the Urban Designer (see Exhibit K) and complies with both ordinances.

Riparian Exception

A Riparian Exception (see Exhibit J) was prepared by Environmental Planning Staff on April 8, 2005. The staff report states "the road improvements to Schwann Lake Drive are minimal and

consist of scraping and recontouring to create proper control of runoff, which will flow into a silt and grease trap at the end of the driveway before entering an energy dissipator on the bank of Schwann Lake."

Tree Removal/Retention

The project site and adjacent right-of-way contain five mature *Oak* trees. The applicant has submitted a report prepared by a certified arborist (Christine-Sara Bosinger) examining the health of these trees (see Exhibit I). While the trees show signs of bark beetles, all trees may be retained.

The trees will require pruning and canopy thinning. The arborist recommends no grade changes within 5 feet of the trunk of these trees. The driveway has been designed to accommodate this requirement (see Exhibit A, Sheet C-2). The Conditions of Approval include conformance to all recommendations of the arborist's report.

The arborist was also asked to review the driveway plans and evaluate the impact of the driveway on the existing trees. The review letter states:

"After reviewing the final plans for the above parcel number I see that all all construction specifications have been followed in regards to the tree preservation plans. The grading and construction area are all in accordance to the arborist report and I see no problems with these plans.

It is my opinion that the plans were done with care for the trees and in adherence for the trees preservation."

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed. No extenuating circumstances or special site conditions that would require further review under CEQA are evident in the proposed project.

Conclusion

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

Staff Recommendation

- **APPROVAL** of Application Number **04-0310**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
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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 (3,500 sq. ft. min. site area), a designation, which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UH) Residential 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 located between the first public road and a body of water located within the coastal zone, however the single family dwelling will not interfere with public access to the beach, ocean, or the 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 (3,500 sq. ft. min. site area) 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 in the area, and the design submitted is not inconsistent with the existing range.

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Owner: Theodore and Judith Wallace

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 single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single family dwelling 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 (3,500 sq. ft. min. site area) zone district in that the primary use of the property will be one single family dwelling that meets all current site standards for the zone district.

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

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

The proposed single family dwelling 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 single family dwelling 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 single family dwelling 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 single family dwelling 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.

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

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

This finding can be made, in that the proposed single family dwelling is to be constructed on an existing undeveloped lot. The expected level of traffic generated by the proposed project is anticipated to be only one 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 single family dwelling 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 dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The proposed residence is in the Yacht Harbor Special Community. The project has been reviewed by the Urban Designer and is in compliance with Sections 13.11 and 13.20 of the Zoning Ordinance.

Conditions of Approval

Exhibit A: Architectural plans prepared by John Craycroft and Associates, dated 6/25/04,
revised 9/7/05.
Grading, drainage and driveway plans prepared by Ifland Engineers, dated 12/12/05.

- I. This permit authorizes the construction of a new single family dwelling with an attached single car garage and a driveway in the public right-of-way. 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.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- 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 Cruz (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. No winter grading shall be allowed for this project.
 3. Details showing compliance with fire department requirements.
 4. All requirements of the arborists' report shall be incorporated into the construction documents.
 - 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. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

- E. Submit **3** copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, if required.
- F. Pay the current fees for Parks and Child Care mitigation for three bedrooms. Currently these fees are \$1,000 and \$109 per bedroom, respectively.
- G. Pay the current fees for Roadside and Transportation improvements for one unit. Currently these fees are \$2,000 per unit, respectively.
- H. Provide required off-street parking for three 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.
- I. 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.
- J. Meet all Conditions of Approval of the Riparian Exception (see Exhibit J)

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with **this** development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all **further** site excavation and notify the Sheriff-Coroner if the discovery contains human remains, **or** the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

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

V. As a condition of **this** development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the

COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform **any** settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit 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

Lawrence Kasparowitz
Project Planner

Appeals: Any properly 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: 04-03 10
Assessor Parcel Number: 027-082-11
Project Location: Schwann Lake Drive, Santa Cruz

Project Description: Proposal to construct a new single family dwelling with an attached single car garage and a driveway in the public right-of-way.

Person Proposing Project: Theodore and Judith Wallace

Contact Phone Number: (408) 354-9329

- 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).
E. X Categorical Exemption - Specify type:

Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

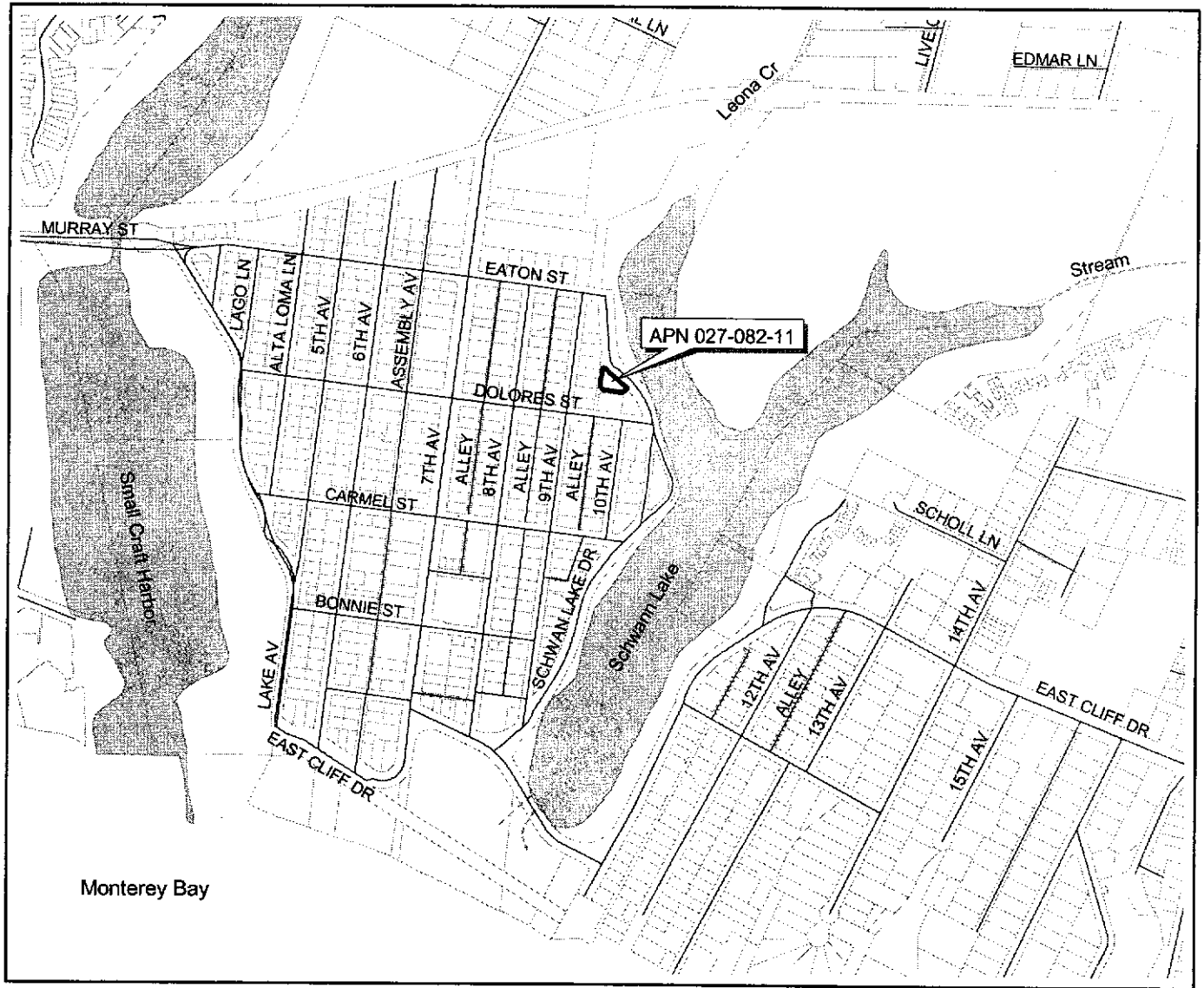
New single family dwelling in a developed **area**.

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

Lawrence Kasparowitz, Project Planner

Date: _____

Location Map



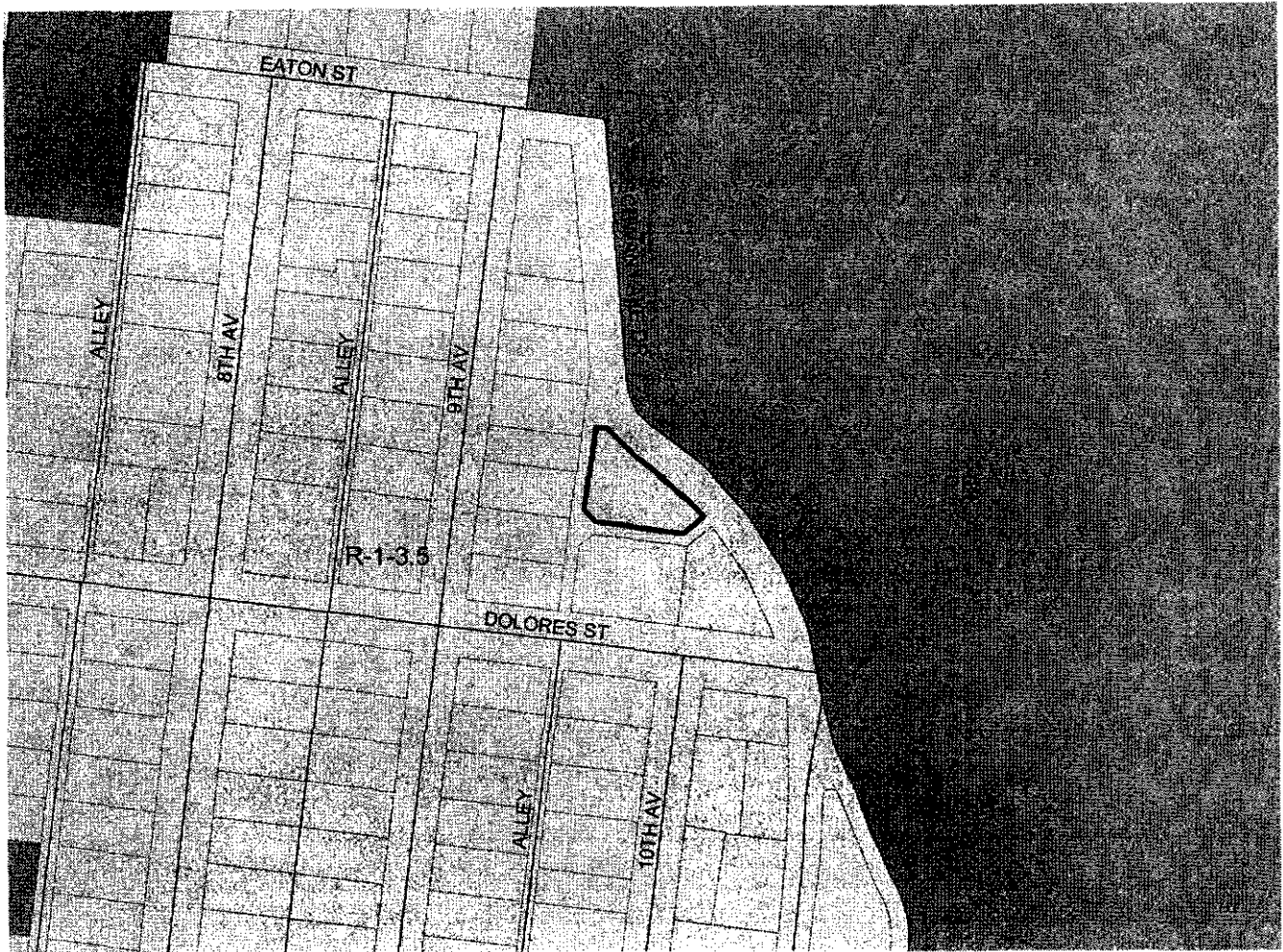
1000 0 1000 2000 Feet

Map created by Santa Cruz County
Planning Department:
July 2004

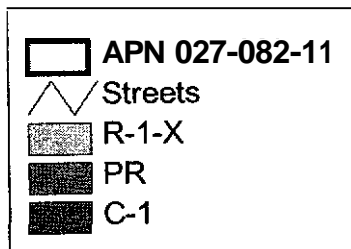


EXHIBIT E

Zoning Map



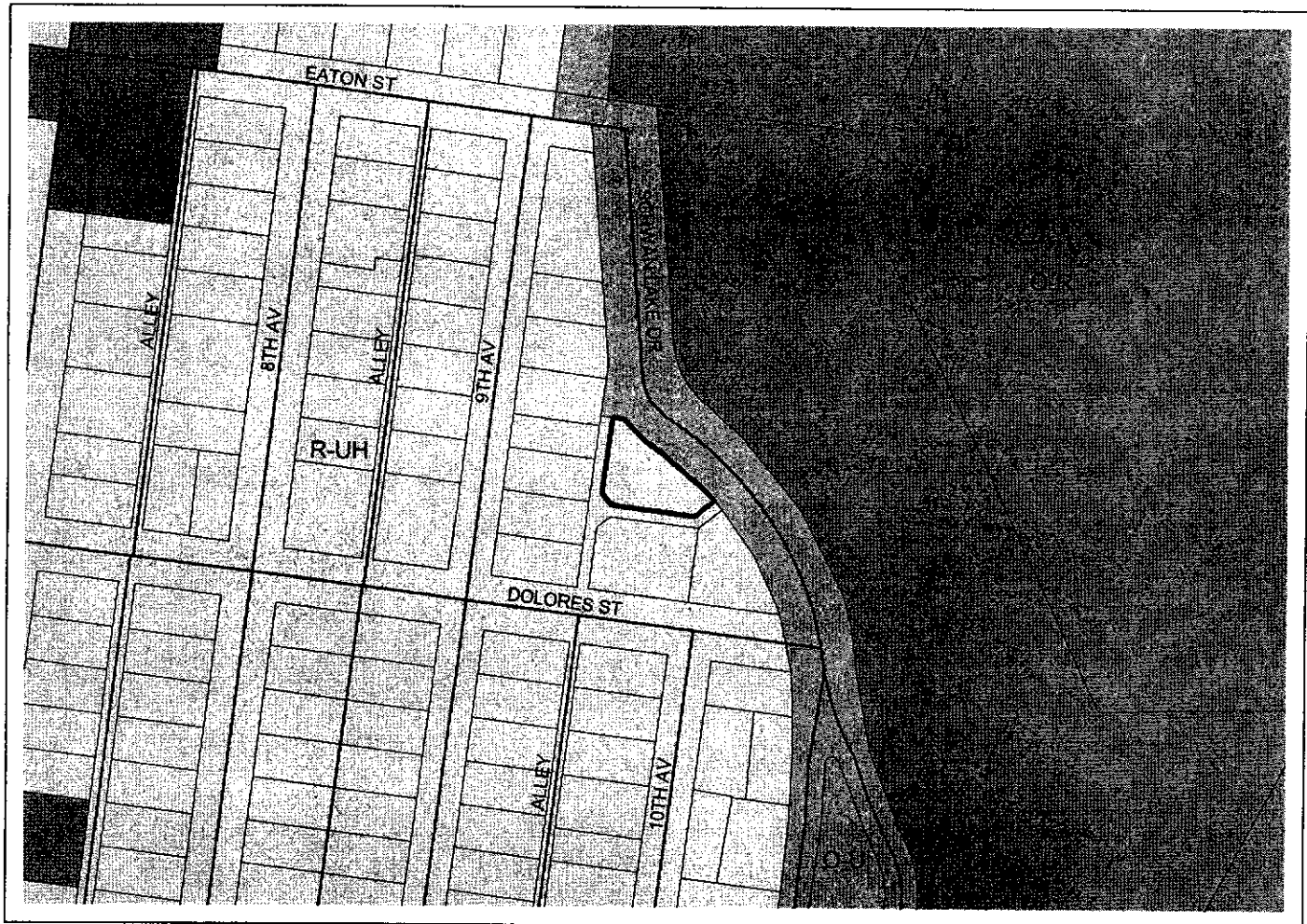
Legend



Map created by Santa Cruz County
Planning Department:
July 2004



EXHIBIT F

General Plan Map



200 0 200 400 600 Feet

Legend

-  APN 027-082-11
-  Streets
-  Neighborhood Commercial
-  Parks and Recreation
-  Urban Open Space
-  Residential - Urban High Density



Map created by Santa Cruz County
Planning Department:
July 2004

EXHIBIT G

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: Larry Kasparowitz
Application No. : 04-0310
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Date: December 28, 2005
Time: 14:32:20
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Environmental Planning Completeness Comments

----- REVIEW ON JULY 21, 2004 BY JESSICA L DEGRASSI -----

As proposed this application is incomplete. There seems to be alternate access to the property via an easement southwest of the parcel. The proposed access driveway falls within the required 100-foot setback from the edge of Schwann Lake. Findings cannot be made if there is an alternate access road to the property which falls outside this required setback. Please confirm the feasibility of this alternate access road to the parcel. All development must meet the required 100-foot setback or a riparian exception will be required. You must meet 5 findings for the approval of any proposed development. These findings require special circumstances to exist for the granting of the exception to the 100-ft setback. You must provide information about the special circumstances that exist on this parcel, when you apply for the exception. Call 454-3162 for information. ===== UPDATED ON OCTOBER 4, 2004 BY JESSICA L DEGRASSI =====

Please apply for the riparian exception. This permit must be included with the Coastal Permit for the proposed development. Include a summary of findings for the project.

Please submit revised plans to show 100-foot setback from the high water mark of Schwan Lake. Also include all trees to be removed/or disturbed by grading of the site.

Please submit a landscape plan for proposed homesite and driveway. The site contains large amounts of invasive non-native species of ivy. This plant shall be eliminated from use onsite, and will become part of the conditions of approval. ===== UP-DATED ON MARCH 22, 2005 BY JESSICA L DEGRASSI =====

Please submit a landscape plan prepared by a landscape architect, which addresses the removal of non-native species onsite. with plantings of native species specific to the subject area.

Please show 100-year setback from the mean high water mark of the lagoon, on the grading and site plans drawn by Ifland Engineers.

Please show existing trees to be removed and ones to remain on grading and drainage plan. All trees to be removed will require a significant tree removal permit, which will be an added review to this permit. All trees must be replaced with native species.

The riparian exception will be an added review for this project.

===== UPDATED ON NOVEMBER 10, 2005 BY JESSICA L DEGRASSI =====

Received copy of arborist report completed by Christine-Sara Bosinger dated 10/17/05. This report states that there should be no grade change within 5 feet from the trunk of the oak trees. The most recent project plans by Ifland show grading around the oak trees at less than 1 foot from the trunks. Please revise grading plan to eliminate any grading 5 feet from the trunks of the oak trees. ===== UPDATED ON NOVEMBER 10, 2005 BY JESSICA L DEGRASSI =====

===== UPDATED ON DECEMBER 28, 2005 BY JESSICA L DEGRASSI =====

Received revised plans which show a 5-foot buffer for grading around the existing oak trees. Application deemed complete.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
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Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 21, 2004 BY JESSICA L DEGRASSI =====
Grading plans must be submitted with building application.

A detailed erosion/sediment control plan must be submitted with building application.

Building application must reflect all conditions of riparian exception. =====
UPDATED ON NOVEMBER 10, 2005 BY JESSICA L DEGRASSI =====
The project arborist must review the plans, and write a letter stating the grading plans are in conformance with the recommendations of the arborist report. =====
UPDATED ON NOVEMBER 10, 2005 BY JESSICA L DEGRASSI =====

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

- ===== REVIEW ON JULY 21, 2004 BY JOHN G LUMICAO =====
1. Drainage plans submitted is not complete. It is not clear how storm runoff is being handled. Please illustrate or add notes to describe stormwater management, to include Schwann Lake Dr. Show all proposed and existing drainage features.
 2. The subject property is located in a designated GROUNDWATER RECHARGE ZONE Santa Cruz General Plan requires that all storm runoff generated from the new developed impervious area be retained onsite, unless feasible. If it is not feasible submit a letter from a professional stating the adverse factors.
 3. If offsite drainage is preferred as an alternative measure in handling storm runoff, pre-developed storm discharge should be maintained. Offsite improvements may possibly be required.
 4. Schwann lake drive is a non-county road it is the responsibility of the applicant or owner to obtain permit to work in this area. Storm runoff from this improvement should be treated either by biofiltration or other methods before runoff is discharge to the lake. A binding maintenance agreement will be necessary to ensure maintenance.

- ===== UPDATED ON OCTOBER 5, 2004 BY JOHN G LUMICAO =====
1. Previous comments has not been satisfied.
 2. Drainage notes states that all runoff from the project will sheet flow to Schwann Lake. Please comply with the Santa Cruz County General Plans.
- ===== UPDATED ON JUNE 1, 2005 BY JOHN G LUMICAO =====
- Application with plans dated 5/4/05 is complete with regards to drainage for the discretionary stage.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
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===== REVIEW ON JULY 21, 2004 BY JOHN G LUMICAO =====
Additional review comments may arise from the resubmittal ===== UPDATED ON OCTOBER 5, 2004 BY JOHN G LUMICAO =====

See completeness comments. ===== UPDATED ON MARCH 28, 2005 BY JOHN G LUMICAO =====

A zone 5 drainage fee will be assessed on the net increase in impervious area
===== UPDATED ON APRIL 8, 2005 BY JOHN G LUMICAD =====

An encroachment permit will be required to work outside the property to construct and install the drainage system.

The applicant shall execute a maintenance agreement with the County guaranteeing that the applicant and all future owners of the property will maintain its storm water drainage system.

Submit the hydrologic and hydraulic calculations to support the drainage design and a recorded drainage easement for the drainage system proposed. A more detailed calcs is required than the submitted calcs (rev 5/4/05) Values should be re-reviewed.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JULY 9, 2004 BY DEBBIE F LOCATELLI =====

No Comment, project adjacent to a non-County maintained road.

===== UPDATED ON SEPTEMBER 22, 2004 BY DEBBIE F LOCATELLI =====

No Comment, project adjacent to a non-County maintained road.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON JULY 9, 2004 BY DEBBIE F LOCATELLI =====

No comment.

===== UPDATED ON SEPTEMBER 22, 2004 BY DEBBIE F LOCATELLI =====

No comment.

04-0310

ARBORIST REPORT

for

John Craycroft and Associates

location

APN # 027-082-11

site visit

September 21, 2005

&

October 17, 2005

prepared by

**Christine-Sara Bosinger
Certified Arborist WE-4309
Quality Arbor Care
831-423-6441
PO Box 335
Capitola, CA 95010**

This evaluation was prepared to the best of our ability at Quality Arbor Care, in accordance with currently accepted standards of the International Society of Arboriculture. No warranty as to the contents of this evaluation is intended and none shall be inferred from statement or opinions expressed. Trees can and do fail without warning.

INTENT

The intent of this report is to assess the health and structure of 5 *Quercus agrifolia*, Coast Live Oak trees and to give construction specifications in order to minimize stress to these trees.

FINDINGS & DISCUSSION

For the purpose of discussion, I will be identifying these trees as one entity as their health and structure is mostly the same and my recommendations for construction around these trees will be the same.

All five trees are in fair to good health; although they show signs of vigor, they also show signs of structure and pest problems. Since these trees have been living in a "wooded" area they have not been maintained throughout their lives. This has caused for some limb failures and some poor structure in their growth. These are not major problems for these trees but they need to be addressed. All of these trees need to canopy cleaned, this is where any dead, die and poorly structured limbs are removed and corrective pruning can take place. Also, all of these trees need to have their canopies lifted. All pruning on these trees should be done under the supervision of a certified arborist.

There are signs of bark beetles in these trees. Again, it is not a significant infestation and with proper tree care these trees should do fine. All invasive climbing vegetation needs be removed from these trees and pulled back from under the trees canopy. This will help with the trees overall vigor and not allow the beetles to stress the trees too much. At this point I would not recommend spraying the trees with any type of pesticide.

The recommendation of Little Sur Manzanita to be planted near these trees is a good one as they require little irrigation. All five of these trees are mature trees and should not be put on any type of irrigation system. Also, all planting and any placement of mulch should be at least 5' away from the trunk of these trees.

CONSTRUCTION SPECIFICATIONS

The proposed construction near these trees is for a driveway and fire truck turn around. The most important impact is to minimize the soil compaction and root disturbance that occurs as the area is prepared for installation of the pavement.

If a curb is to be placed in this area it would be my recommendation that it is placed on top of the pavement rather than attached to the outside of the pavement. If this is not possible then I would recommend that a rolled curb is used as this requires the least amount of excavation. This is only to give the tree roots a bit more room and cause the least amount of stress for the trees.

Following are basic precautions that need to be implemented while developing around and near the trees:

1. A 6' chainlink fence with posts sunk into the ground should be erected as close to the curb line as possible and then followed around to completely encircle the trees. These should be in place before any construction and grading is done.
2. No construction debris or dirt should be left under the canopy of these trees.
3. No construction vehicles, such as tractors, tools, such as concrete mixers, should be left under the canopy of these trees.
4. No type of toxic chemicals or any type of cement should be left anywhere near these trees.
5. There should be no grade changes within 5' from the trunk of these trees.
6. The removal of the ivy, berry bushes and poison oak around these trees and under their canopies needs to be done by hand and not by any type of heavy equipment such as a backhoe. This needs to be done before any construction on the driveway is done and before the placement of the fencing.

7. Deep root feeding of these trees should occur before the soil is prepared for the pouring of the driveway.
8. A 14' high clearance is needed on these trees to meet regulations. This pruning and all other pruning is to be done under the supervision of a certified arborist using I.S.A. approved pruning standards and should be done prior to any construction and the placement of the fencing.
9. If any type of equipment damage does occur to either the canopy or the trunk of these trees the consulting arborist needs to be contacted immediately. No one other than the arborist should take any type of corrective procedures for damage that may occur to these trees.



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
ALVIN JAMES, DIRECTOR

STAFF REPORT

04-0310

Riparian Exception - Level III April 8, 2005

Assessor's Parcel Number: 027-082-11
Site Address: Schwann Lake Drive
Owner: Theodore and Judith Wallace

EXHIBITS:

Plans by Ifland Engineers dated 9/8/04 pages 4 of 4.

PROPOSAL & LOCATION

This project includes the construction of a new single-family dwelling and attached single car garage. Located on the west side of Schwann Lake Drive approximately 150 feet northwest from the intersection with Dolores Street.

ANALYSIS

This residential zoned parcel is currently vacant and fronts Schwann Lake. The required setback from a standing body of water is 100 feet from the mean **high** water mark. The proposed single-family dwelling and associated road improvements to Schwann Lake Drive will be constructed within this setback from Schwann Lake. The 5,000 square foot lot contains a proposed building envelope for the new single-family dwelling, which at the closest point is approximately 70 feet to the edge of Schwann Lake. The road improvements to Schwann Lake Drive are minimal and consist of scraping and recontouring to create proper control of runoff, which will flow into a silt and grease trap at the end of the driveway before entering an energy dissipator on the bank of Schwann Lake. A detailed erosion control and grading plan will be prepared. No winter grading will be allowed for this project.

STAFF RECOMMENDATION

The Project Planner for Environmental Planning **has** acted on your application as follows:

——X—— APPROVED (IF NOT APPEALED)

_____ DENIED based on the attached findings.

Owner: Theodore and Jud' Wallace
Application # 04-0310
APN: 027-082-11

NOTE: This decision is ~~final~~ unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions which are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

THIS PERMIT WILL EXPIRE ON _____ IF NOT EXERCISED.

If you have any questions, please contact me at (831) 454-3162.

Sincerely,

Jessica deGrassi
Resource Planner

Date: _____

By signing ~~this~~ permit below, the owner agrees to accept the terms and conditions of ~~this~~ permit and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions.

Signature of Owner/Agent

Date

Mail to: Theodore and Judith Wallace
68 Ellenwood Ave
Los Gatos, CA 95030

APPEALS

In accordance with Section ~~18.10.300a~~ ~~seq of~~ the Santa Cruz County Code, the applicant may appeal an action or decision ~~taken~~ on a Level III project such as this one. Appeals of decisions of the Principal Planner are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar day following the date of action ~~from~~ which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

REQUIRED CONDITIONS

- I. This permit authorizes the applicant to exercise a Minor Riparian Exception. Prior to exercising any rights granted by the permit including without limitation, any occupancy, 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 Building Permit from the Santa Cruz County Building Official.
- II. All construction shall be performed according to the approved plans for the building permit. For reference in the field, a copy of these conditions shall be included on all construction plans. Prior to the final building inspection clearance, the following conditions must be met:
 - A. All site improvements shown on the final building plans shall be installed.
 - B. All non-native plants will be removed from the site and along access drive. These areas shall be replanted with native riparian plant species as designated on the approved landscape plan.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the Building Official.
 - D. The property owner, applicant or other responsible party shall contact Environmental Planning (454-3162) four working days prior to site disturbance
 - E. Erosion control measures must be in place at all times during construction. All disturbed soils shall be stabilized, as identified in the site plan to prevent siltation in the watercourse. No winter grading will be allowed.
 - F. A site inspection is required prior to final Planning Department approval of the proposed work; notify Environmental Planning at 454-3162 upon project completion for final inspection and clearance.
 - G. All work shall conform to the recommendations of the approved technical reports
 - H. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation or other ground disturbance associated with this development, any artifact or other evidence of an historic archeological resource or a Native **American** cultural site is discovered, the responsible persons shall immediately cease and desist from further site excavation and notify the Sheriff-Coroner if the discovery contains human remains and 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.

RIPARIAN EXCEPTION FINDINGS

1. THAT THERE ARE SPECIAL CIRCUMSTANCES OR CONDITIONS AFFECTING THE PROPERTY.
The special circumstance affecting the property is the frontage of the lot along Schwann Lake. The required riparian corridor setback from the lake is 100 feet. The proposed site improvements including the driveway and portions of the dwelling are limited to be constructed within this setback.
2. THAT THE EXCEPTION IS NECESSARY FOR THE PROPER DESIGN AND FUNCTION OF SOME PERMITTED OR EXISTING ACTIVITY ON THE PROPERTY.
The exception is necessary for the proper design and function of the proposed single family dwelling. This property is zoned for residential use, therefore the proposed dwelling will be in conjunction with the permitted use of the parcel.
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.
The granting of the exception will not be detrimental to the public welfare or injurious to other property downstream. All runoff from impervious areas will be collected in a silt and grease trap and then dispersed through an energy dissipator on the bank of Schwann Lake.
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 granting of the exception will not reduce or adversely impact the riparian corridor and there is no less environmentally damaging alternative to the proposed project. All non-native plants will be removed and revegetated with riparian plant species to enhance the riparian corridor along the proposed driveway.
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 the exception is in accordance with the purpose of the Riparian Protection Ordinance and with the objectives of the General Plan. All development will be located as far as possible back from the edge of Schwann Lake. The proposed driveway will be constructed to collect all storm runoff into a silt and grease trap preventing pollutants from reaching the lake. All non-native plants will be removed and replanted with native riparian plant species.

MEMORANDUM

Application No: 04-0310

Date August 26, 2004

To: Lawrence Kasparowitz, Project Planner

From: Urban Designer

Re: Design Review for a new residence Schwann Lake Drive, Santa Cruz

GENERAL PLAN / ZONING CODE ISSUES**Design Review Authority**

13.20.130 The Coastal **Zone** Design Criteria are applicable to **any** development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria in code (✓)	Does not meet criteria (✓)	Urban Designer Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.	✓		

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological	✓		
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from Scenic road turnouts, rest stops or vista points			N/A
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the			N/A
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A

Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			NIA
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Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			NIA
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			NIA
The visual impact of large agricultural structures shall be minimized by using			NIA
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars , or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in Scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor sewing zone districts			NIA

In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			NIA
Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			NIA
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Design Review Authority**13.11.040** Projects requiring design review

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special **communities** and sensitive sites as defined in this Chapter.

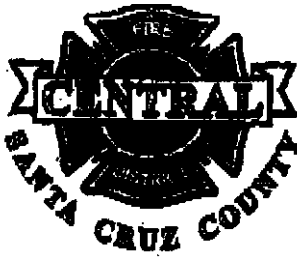
Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		

Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures			N/A
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians,			N/A
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria in code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings			N/A
Street face setbacks			N/A
Character of architecture	✓		
Building scale	✓		

Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Variation in wall plane, roof line, detailing, materials and siting	✓		
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		



**CENTRAL
FIRE PROTECTION DISTRICT**
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: August 20, 2004
To: Tedd and Judy Wallace
Applicant: Tedd and Judy Wallace
From: Jeanette Jarch, Division Chief/Fire Marshal
Subject: Proposed access to APN 027-082-11
Address: Schwann Lake Drive (AKA Dolores Street)
APN: 027-082-11
OCC: 2708211

A site inspection was conducted in conjunction with a plan review by Fire Chief Bruce Clark and Fire Marshal Jeanette Jarch on August 17, 2004 of the above referenced property to verify/deny compliance with District's access requirements.

As per the plans submitted to this office, the Dolores access to parcel number 027-082-11 does not meet the district's access requirements. It was determined that the driveway access dimensions shown from Schwann Lake Drive appear to meet the district's requirements.

If you should have any further questions please do not hesitate to call.

Serving the communities of Capitola, Live Oak, and Soquel

EXHIBIT L

Dec 3 - 2004

Regarding access to Mr + Mrs Ted Wallace property on Schwan Lake:

We feel, at this time, the best entry to their property would be through the Schwan Lake drive ~~rite of way~~ as you must know there is a 50' ~~rite of way~~ there. It was open from Eaton St to Dolores at one time. I believe there has been a slide on part of it now past their property.

I have discussed this ^{with} my family and we do not wish to sell any footage off the Dolores st entry.

Xuan B. Gifford



Quality Arbor Care
A TREE CARE COMPANY

P. O Box 335
Capitola, CA 95010
Far 831.4524973
Tel: 831.423.6441

John Craycroft

RE: APN# 027-082-11; Wallace property

June 14, 2006

Dear Mr. Craycroft:

After reviewing the final plans for the above parcel number I see that all construction specifications have been followed in regards to the tree preservation plans. The grading and construction area are all in accordance to the arborist report and I see no problems with these plans.

It is my opinion that the plans were done with care for the trees and in adherence for the trees preservation. As with all projects that I have worked with you on I am sure that all the construction specifications will be followed.

If you should have any further questions please feel free to contact me.






Sincerely,

Christine Bosinger
ISA Certified Arborist WE-4309

04-0310



Legend

- Legend
-  Parcel (dark lines)
 -  Parcel (light lines)
 -  State Highways
 -  City Limits
 -  Santa Cruz County Boundary

8in. Pixel

- Wallace parcel 021-082-11
- Gifford parcels 021-082-09 & 10
- Approx location of proposed road



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EXHIBIT P

