



Staff Report to the Zoning Administrator

Application Number: **06-0667**

Applicant: Tracy Johnson & Mike Hamlett
Owner: Donna Guizio
APN: 037-033-14

Agenda Date: May 4, 2007
Agenda Item #: 4
Time: After 10:00 a.m.

Project Description: Proposal to construct a garage with a second unit above of about 25-feet in height and to construct a 24-inch concrete garden wall with a 6-foot fence above, on site with an existing single family-dwelling.

Location: Property located at the intersection of Jigger Drive and Putter Drive, at 5401 Jigger Drive, Soquel

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

Permits Required: Residential Development and Variance

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0667, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|--|
| A. | Project plans | F. | Applicant's justification for a Variance |
| B. | Findings | G. | Assessor's parcel map |
| C. | Conditions | H. | Location map |
| D. | Categorical Exemption (CEQA determination) | I. | Zoning & General Plan map |
| E. | Arborist's report | J. | Comments & Correspondence |

Parcel Information

Parcel Size:	6,382 (<i>per</i> survey)
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Putter Drive to Jigger Drive
Planning Area:	Soquel
Land Use Designation:	R-UL (Urban Low Density Residential)
Zone District:	R-1-6 (single family residential, 6000 square foot minimum site area)

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

Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils report required with building permit
Fire Hazard: Not a mapped constraint
Slopes: Site is mostly flat
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed-Arborist Report submitted
Scenic: Not a mapped resource
Drainage: Existing drainage adequate-pervious pavement proposed
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: County Sanitation
Fire District: Central Fire Protection
Drainage District: Zone 5

History

According to County Assessor's records, the single-family dwelling was constructed in 1937. One building permit, No. 130659, was issued in 2002 for a general upgrade, including the electrical system, plumbing, wall heater, and a new roof. No other building or discretionary permits are on record

Project Setting

The parcel is located at the corner of Putter Drive and Jigger Drive in the Soquel Planning Area in the Monterey Heights Subdivision 1, filed in 1929. Most of the homes in the area appear to have been constructed in the 1930's through 1970's and are similar in size and design to the home on the subject parcel. There is a mixture of one and two story homes in the surrounding area. There is a one-story single family dwelling located on the adjacent parcel to the northeast, and the adjacent parcel to the northwest is vacant.

The subject parcel is a corner lot that is much wider at the front (Jigger Drive) than the back (adjacent to the vacant parcel). This unusual configuration is one of the parcel characteristics noted by the applicant as justification for a variance.

Road improvements in the area generally consist of the paved road surface (approximately 24 feet wide) and some curbs, gutters and drop inlets to accommodate drainage. Parking is generally accommodated within the 50-foot road right-of-way, on areas that are either unpaved or

paved with base rock or gravel only. On the western boundary of the subject parcel, where the new garage is proposed, the edge of the road pavement is located 12 to 18 feet from the property line. Please refer to the survey map dated June 15, 2006, prepared by *Cary* Edmundson, included in Exhibit "A."

Zoning & General Plan Consistency

The subject property is a 6,382 square foot lot, located in the R-1-6 (single family residential, 6000 square foot minimum site area) zone district, a designation that allows residential uses. The proposed garage is a principal permitted use within the zone district, but the second story second unit is only allowed within the urban services line if a Level V Development Permit is obtained. The entrance to the garage, as proposed, would be 10-feet from the street side parcel boundary and a minimum of 20-feet is required by ordinance. A variance is required for the project to be consistent with the site standards for the zone district.

The applicant has also requested approval to construct a 24" high concrete garden wall with a 6-foot high fence above. **The** garden wall will replace an existing fence and wooden wall along the northwest (rear) property line and a small portion of the northeast (side) property line which is approximately the same height as the new wall and fence requested. Because of a difference in proposed grade, with the subject property at a lower grade than the adjacent properties, the fence will appear to be 6-feet in height from the road and the adjacent parcels. Approximately 25 cubic yards of earth are proposed to be removed, adjacent to the fence, to provide additional parking and flat yard space for the second unit. Because the fence will appear to be 6-feet high and no line of sight problems would result from cars leaving the site, as **the** paved road is located approximately 18-feet from the property line and the fence will not encroach into the road right-of-way, findings can be made to recommend approval.

The project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation, as the garage and second unit are accessory to **the** primary residential use of the parcel.

Second Unit Issues

The purpose **of** the Level V review for a two-story second unit within the Urban Services Line is to assure that the unit is consistent with surrounding development, does not impact solar access on adjacent properties and does not compromise the privacy of neighboring properties. The immediate neighborhood consists of both one and two-story dwellings, so a two-story second unit would not be inconsistent with its surroundings. Solar access to adjacent properties will be maintained, as adjacent parcels are located to the northeast and the northwest, such that any shadows cast by the proposed second unit would only affect each adjacent parcel for a small portion of the day, during the winter.

Because the second unit, as proposed, does have the potential to compromise privacy on the adjacent parcel to the northeast, a condition of approval has been included to require that the windows on the east elevation be obscured glass or glass block, or utilize other materials to assure privacy for the adjacent property owner.

Variance Issues

A variance is requested because the entrance to the proposed garage would be approximately 10 feet from the property line, where 20 feet is required. Approval of a variance requires findings specific to the parcel itself:

- there are special circumstances applicable to the parcel that would deprive the owner of privileges enjoyed by other properties in the zone district,
- the variance would be consistent with the general intent and purpose of the zone district, and
- the variance would not be a grant of special privileges.

The special circumstance applicable to the subject parcel relates to the size and shape of the property. Although the parcel meets the minimum site area for the R-1-6 zone district, it is irregularly configured, and the rear portion of the property is much narrower than the front, where the single family dwelling is located. In addition, over half of the parcel boundary fronts on a street, and the 15' radius at the intersection of Putter and Jigger Drive results in a significant portion of the parcel within the front and side setback. Because very few of the parcels in the area are similarly configured, the requested variance would not be a grant of special privileges. The proposed second unit meets the required setbacks, and only the entrance to the garage would require a variance. Because the adjacent paved road (Putter Drive) is located, at a minimum, 30 feet from the garage entrance, cars accessing the garage will be able to pull completely out of the paved road. Since there are no safety issues associated with the proposed garage location, and adequate light and air will be maintained between the garage and neighboring structures, the requested variance will be consistent with the general intent and purpose of the zone district.

Tree Protection

There is a large coast live oak tree (*Quercus agrifolia*) on the southeast property boundary, near the existing driveway. The tree is approximately 27-inches diameter breast height (D.B.H.) with a height of 50 to 60 feet and a canopy of approximately 50 feet. The tree is in fair condition, but would benefit from pruning and fertilization. Because potential construction impacts to the tree were of concern, the tree was evaluated by an arborist, who recommended measures to avoid impacts to the tree. Those recommendations are incorporated into the project plans (Exhibit "A") and are also included as conditions of approval. The arborist's report, by MiMi Scoppettone of Nature First Tree Care and Management, is included as Exhibit "E."

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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

- APPROVAL of Application Number **06-0667**, based on the attached findings and conditions.

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

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

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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 as the special circumstance applicable to the subject parcel relates to the size and shape of the property. Although the parcel meets the minimum site area for the R-1-6 **zone** district, it is irregularly configured, and *the* rear portion of *the* property is much narrower than the front, where the single family dwelling is located. In addition, over half of the parcel boundary fronts on a street, and the 15' radius at the intersection of Putter and Jigger Drive results in a significant portion of **the** parcel within the front and side setback. Without **the** requested variance, the property owner would be unable to construct a garage, which is a privilege enjoyed by most of the other property owners in the vicinity, and is a usual and customary accessory to a single- family dwelling.

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 because the adjacent paved road (Putter Drive) is located, at a minimum, 30 feet from the garage entrance and cars accessing the garage will be able to pull completely out of the paved road. Since there are no safety issues associated with the proposed garage location, and adequate light and air will be maintained between the garage and neighboring structures, the requested variance will be consistent with the general intent and purpose of the zone district, and will not be injurious to surrounding properties.

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 as very few of **the** parcels in the area are similarly configured, so the requested variance would not be a grant of special privileges. Property owners with similar site circumstances would also be considered for a variance to construct **an** accessory structure associated with a single-family dwelling. The proposed second unit meets the required setbacks, and only the entrance to the garage would require a variance.

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 garage with second unit above will not deprive adjacent properties or the neighborhood of light, air, or open space. With approval of the requested variance, the structure will meet **all** current setbacks that ensure access to light, air, and open space in the neighborhood. The proposed 24" garden wall with a 6-foot fence above will appear, from the road and adjacent properties, to be 6-feet high. No line of sight problems would result from cars leaving the site, as **the** paved road is located approximately 18-feet from the property line and the fence will not encroach into the road right-of-way.

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 garden wall and fence and garage with second unit above, and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (single family residential, 6000 square foot minimum site area) zone district, with approval of the requested variance for the garage. **The** primary use of the property will be one single family dwelling and accessory structures that are commonly associated with a dwelling.

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 Urban Low Density Residential (R-UL) land use designation in the County General Plan.

The proposed garage with second unit above will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties and, with approval with the requested variance, will meet all current site and development standards for the zone district as specified in Policy **8.1.3** (Residential Site and Development Standards Ordinance). **The** garage with second unit above will not adversely shade adjacent properties, and will ensure access to light, air, and open space in the neighborhood. **The** proposed **24"** garden wall with a 6-foot fence above will appear, from the road and adjacent properties, to be 6-feet high. No line of sight problems would result from cars leaving the site, as the paved road is located approximately 18-feet from the property line and the fence will not encroach into the road right-of-way.

The proposed garage with second unit above 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). With approval of **the** requested variance, the proposed garage with second unit above will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed garage with second unit above is to be constructed on an existing developed 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. The proposed overheight fence is not a use that will require utilities or generate traffic.

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 garage with second unit above is consistent with the land use intensity and density of the neighborhood. The proposed 24" garden wall with a 6-foot fence above will appear, from the road and adjacent properties, to be 6-feet high, which is common in **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 garage with second unit above 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 24" garden wall with a 6-foot fence above will appear, from the road and adjacent properties, to be 6-feet high. No line of sight problems would result from cars leaving the site, as the paved road is located approximately 18-feet from the property line and the fence **will** not encroach into the road right-of-way.

Conditions of Approval

Exhibit A: project plans prepared by Tracy Robert Johnson, dated February 21, 2007 and Survey Map prepared by Cary D. Edmundson, dated February 13, 2007.

- I. This permit authorizes the construction of a garage with second unit above. 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 Demolition Permit from the Santa Cruz County Building Official
 - C. Obtain a Building 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. Any changes from the approved Exhibit "**A**" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include **the** following additional information:
 1. Identification of finish and exterior materials and color of materials and roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Windows on the east elevation of the second unit must be frosted or otherwise obscured glass or constructed with glass block to assure privacy for the adjacent property owner.
 3. Grading and erosion control plans. The erosion control plan must show locations (in plan view) and construction details of all proposed erosion and sediment control devices. The grading plan shall show that grading shall be accomplished using hand equipment only. Any grade changes proposed must be approved by the project arborist, and the approval must be shown on the plans.

4. Drainage plans that include the following:
 - a. Storm runoff should be allowed to flow down the natural drainage patterns and allowed to percolate within the property limits. No direct hard piping to the street will be permitted.
 - b. Show a cross section detail of the semi-impervious surface. Sub grade should also be porous.
5. For any structure proposed to be within 2 feet of the maximum height limit for the zone district (28-feet), 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 which clearly depict the total height of the proposed structure.
6. Details showing compliance with fire department requirements.
7. A reference the date of the arborist's report and the contact information and name of the arborist. The plans must also include a note that all construction work in **the** vicinity of the coast live *oak* will conform to the arborist's recommendations.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. 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.
- 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 one bedroom(s). Currently, these fees are, respectively, \$800 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for one bedroom(s). Currently, these fees are, respectively, \$733.00 and \$733.00 per bedroom.

1. Provide required off-street parking for four 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.
- K. Complete and record a Declaration of Restriction to construct a second unit. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.

III. All construction within the property shall meet the following conditions:

- A. The project must comply with all recommendations of the approved soils reports.
- B. The project must comply with all recommendations of the arborist's report. The following specific conditions apply:
 1. Before construction begins, the coast live *oak* should **be** pruned and a deep root fertilization applied. Pruning of the tree canopies and branches should be done at the direction of the project arborist to remove any dead or broken branches and to provide the necessary clearances for the construction equipment.
 2. A protection barrier shall be installed around the tree to be preserved. The barrier shall be constructed of durable fencing material such **as** plastic construction fencing or chain link fence. The barrier shall be placed as far from the base of the tree as possible. The fencing shall be maintained in good repair throughout the duration of the project and shall not be removed, relocated or encroached upon without permission of the project arborist.
 3. Restrict stripping of topsoil around trees. Woody vegetation to be removed adjacent to trees should be cut at ground level and not pulled out by equipment.
 4. Use retaining walls with discontinuous footings to maintain natural grade as far as possible from the tree. Excavate by hand only, under the direction of the arborist. The arborist shall be on-site during all excavation to prune tree roots as necessary.
 5. Provide a storage yard and traffic areas for construction activity well away from the trees. There shall be NO storage **of** materials or supplies of any kind within the area of the protection barriers. Concrete and cement materials, block, stone, sand and soil shall not be placed within the drip line of the tree.

6. Post notices on fences prohibiting dumping and disposal of waste around **trees**. Refueling, servicing, and maintenance of equipment and machinery shall not be permitted within the dripline of the trees.
 7. Debris and waste from construction or other activities shall not be permitted within the protected areas. Wash down of concrete or handling of equipment shall not be permitted within the protected area.
 8. Any damages or injuries should be reported to the project arborist as soon as possible. Severed roots shall be pruned cleanly to healthy tissue, using proper pruning tools. Broken branches or limbs shall be pruned according to International Society of Arboriculture Pruning Guidelines and ANSI Pruning Standards.
- C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if **the** discovery contains human remains, or **the** Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV 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. **A** final letter from the project arborist must be submitted stating that construction conformed to the recommendations in **the** arborist's report.
- V. 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.
 - B. **The** maximum occupancy of a second unit may not exceed that allowed by the State Uniform Housing Code, or other applicable state law, based on the unit size and number of bedrooms in the unit. Rental or permanent occupancy **of** the

second unit shall be restricted for the life of the unit to either:

1. Households that meet the Income and Asset Guidelines requirements established by Board of Supervisors resolution for lower income households; or
 2. Senior households, where one household member is sixty-two years of age or older, that meet the Income and Asset Guidelines requirements established by Board resolution for moderate or lower income households; or
 3. Persons sharing residency with the property owner and who are related by blood, marriage, or operation of law, or have evidence of a stable family relationship with the property owner.
- C. The property owner shall permanently reside, as evidenced by a Homeowner's Property Tax Exemption on the parcel, in either the main dwelling **or** the second unit. If the property owner resides in the second unit, either the property owner or the residents of the primary single family dwelling must meet the income or familial requirements of Subsection 13.10.681(e)(1) of the County Code.
- D. Prior to final inspection approval of the unit, the property owner shall submit a statement to the administering agency, as defined in Subsection 17.10.020(a) of the County Code, indicating whether the second unit will be rented, occupied by family members, or **left** vacant. Whenever a change in occupancy occurs, the owner shall notify the administering agency, by registered or certified mail, that the occupancy has changed, and indicating the new status of the unit.
- E. If rent is charged, the rent level for the second unit, or for the main unit, if the property owner resides in the second unit, shall not exceed that established by Section 8 Program of **the** Department of Housing and Urban Development (HUD) of its successor, or the rent level allowed for affordable rental units pursuant to Chapter 17.10 of the County Code, whichever is higher.
- F. No person, including family members of the owner, shall rent or permanently occupy a second unit unless he/she has first obtained certificate of his/her eligibility from the administering agency. The property owner must refer persons who wish to rent or permanently occupy the unit to the administering agency for certification, prior to occupancy. **The** administering agency may charge a fee to the applicant for the certification process.
- G. The owner shall report the occupancy status of the second unit when requested by the administering agency, at least once every three years. This report shall include the status of the unit, the name of the current occupant(s) and the monthly rent charged, if applicable.
- H. The County may recover reasonable attorney fees and costs incurred in bringing legal action to enforce this Declaration. In addition, the County may recover any rents collected during any occupancy not authorized by the term of this Declaration or, in

the alternative, the County may recover the reasonable value of such unauthorized occupancy.

- VI. 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 on the expiration date listed below unless you obtain the required permits and commence construction.

Application #: 06-0667

AFN: 037-033-14

Owner: Donna Guizio

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Cathy Graves
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the 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: 06-0667

Assessor Parcel Number: 037-033-14

Project Location: 5401 Jigger Dr., Soquel

Project Description: Proposal to construct a garage with a second unit above and a **24"** garden wall with a six-foot high fence above, on site with an existing single-family dwelling.

Person or Agency Proposing Project: Tracy Johnson & Mike Hamlett

Contact Phone Number: (831) **722-5462**

- 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 of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Proposal to construct an accessory structure in an area designated for residential uses, on site with an existing dwelling.

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

Cathy Graves, Project Planner

Date: _____



*Professional Tree Care
& Management, Inc.*

February 15, 2007

Donna Guizio
5401 Jigger Drive
Soquel, CA 95073

Re: Construction remodel, 5401 Jigger Drive, Soquel

~~Dear~~ Donna,

Thank you for providing Nature First Professional Tree Care & Management with the opportunity to review your property. Following is a tree report regarding the above-referenced property

Findings:

Species: *Quercus agrifolia*
Common name: coast live **oak**
DBH (diameter breast height): 27 inches
Height: 50-60 feet
Canopy spread: 50 feet

The coast live **oak** is located along the southeast perimeter of the property. It is positioned along the upper portion of the property near the street. A stone wall currently extends along one side around the base of the tree in close proximity to where the new wall will be **installed**. The tree is in fair condition and will benefit from pruning and deep root fertilization.

Recommendation:

Before the **start** of the project, the recommendation is to prune the tree **and** perform a deep root fertilization. **This will** prepare the tree, as well as the area of the root zone, for any disturbance that **may** result from the construction. It **will also** improve and preserve the health of the tree.

Please feel free to call the office if **you any** questions. We look forward to serving you.

NATUREFIRST TREE CARE, INC. CERTIFIED ARBORISTS
5738 Soquel Drive, Soquel. CA 95073 831 462-8233 Fax 831 462-8236
E-mail naturefirst@sbcglobal.net Website: www.naturefirsttreecare.com CA Contractors Lic #775940

- 17 -

EXHIBIT D-1

February 15, 2007

Donna Guizio

Page **Two**

*See attached conditions which are hereby made apart of this estimate and agreement
Full payment is due upon completion unless prior arrangement have been made.*

Sincerely,

A handwritten signature in black ink, appearing to read "MiMi Scoppettone". The signature is fluid and cursive, with a large loop at the end.

MiMi Scoppettone

Certified **Arborist** WE-1555A



Quercus agrifolia, coast live oak -
Wall to be placed four feet out from the trunk
(follow broken white line).



Quercus agrifolia, coast live oak -
View of oak tree scheduled for pruning and fertilization
before construction of wall.

Guidelines for Protection of Trees on Construction Sites

To preserve certain mature trees within a construction site, some precautions must be taken to assure that neither the trunk, limbs nor root system of the tree are excessively damaged. The root system of a tree is the most vital and delicate part of the plant, and the most easily damaged.

The root system extends far from the trunk, often beyond the drip line of the tree. The fine absorbing roots, those that collect water and nourishment for the tree, are located primarily within the top eight to twelve inches of the soil. The roots and the soil in this surface layer must be protected from injury.

Any encroachment, disturbance, or compaction of the soil around the tree will damage or destroy the fine absorbing roots. Injury caused by cutting, crushing, suffocation, poisoning, or moisture stress by inundation or dehydration can result in the death of the tree. Injuries caused during construction projects may not be apparent for many years after the completion of the project, but can ultimately kill the tree.

The following guidelines are minimum standards recommended for the preservation of trees. These guidelines should be incorporated in construction contracts, and the details made available to all parties involved with work on the site, including equipment operators. Other guidelines and protective measures may also be appropriate in addition to those listed below.

1. **Protection Barrier:** A protection barrier shall be installed around the tree or trees to be preserved. The barrier shall be constructed of durable fencing material such as plastic construction fencing, snow fence or chain link fence. The barrier shall be placed as far from the base of the tree(s) as possible, preferably at the drip line. The fencing shall be maintained in good repair throughout the duration of the project and shall not be removed, relocated or encroached upon without permission of the arborist involved.
2. **Root Loss:** Restrict stripping of topsoil around trees. Woody vegetation to be removed adjacent to trees should be cut at ground level and not pulled out by equipment, or root injury to remaining trees may result. Use retaining walls with discontinuous footings to maintain natural grade as far as possible from the tree. Excavate to finish grade by hand and cut exposed roots with a saw to avoid root wrenching and shattering by equipment. Soil beyond cut face can be removed by equipment sitting outside the drip line to the trees.
3. **Storage of Materials:** Provide a storage yard and traffic areas for construction activity well away from the trees. There shall be NO storage of materials or supplies of any kind within the area of the protection barriers. Concrete and cement materials, block stone, sand and soil shall not be placed within the drip line of the tree.

Construction Guidelines, con't

4. Fuel Storage: Post notices on fences prohibiting dumping and disposal of waste around trees. Refueling, servicing, and maintenance of equipment and machinery shall not be permitted within the dripline of the trees.
5. Debris and Waste Materials: Debris and waste from construction or other activities shall not be permitted within the protected areas. Wash down of concrete or handling of equipment shall not be permitted within the protected area.
6. Grade Changes: Grade changes can be particularly damaging to trees. Lowering the grade can destroy major portions of a root system. Any grade changes proposed should be approved by an ISA Certified Arborist before construction begins and precautions taken to mitigate potential injuries.
7. Damages: Any damages or injuries should be reported to the project arborist as **soon** as possible. Severed roots shall be pruned cleanly to healthy tissue, using proper pruning tools. Broken branches or limbs shall be pruned according to International Society of Arboriculture Pruning Guidelines and ANSI Pruning Standards.
8. Preventive Measures: Before construction begins, fertilization of the affected trees is recommended to improve tree vigor and health. Pruning of the tree canopies and branches should be done at the direction of the project arborist to remove any dead or broken branches and to provide the necessary clearances for the construction equipment.

TRACY ROBERT JOHNSON
RESIDENTIAL DESIGN AND PLANNING
831-722-5462

2-20-07

FOR APPLICATION NO. 06-0667
AF'N 037-033-14
OWNER DONNA GUIZIO

To ~~County~~ of Santa ~~Cruz~~ Planning Department
Project Planner: Cathy Graves

The special circumstances regarding justification to approve the requested variance to reduce the "required" setback of the proposed garage to the property line at Putter Dr. (from 20'-0" to 10'-0") are the combination of the parcels unusual configuration, limited dimensions and extreme percentage of (double) street frontage, also the placement and preservation of the existing residence on site and the required minimum setback of 10'-0" between the existing residence and the proposed garage

Sincerely,

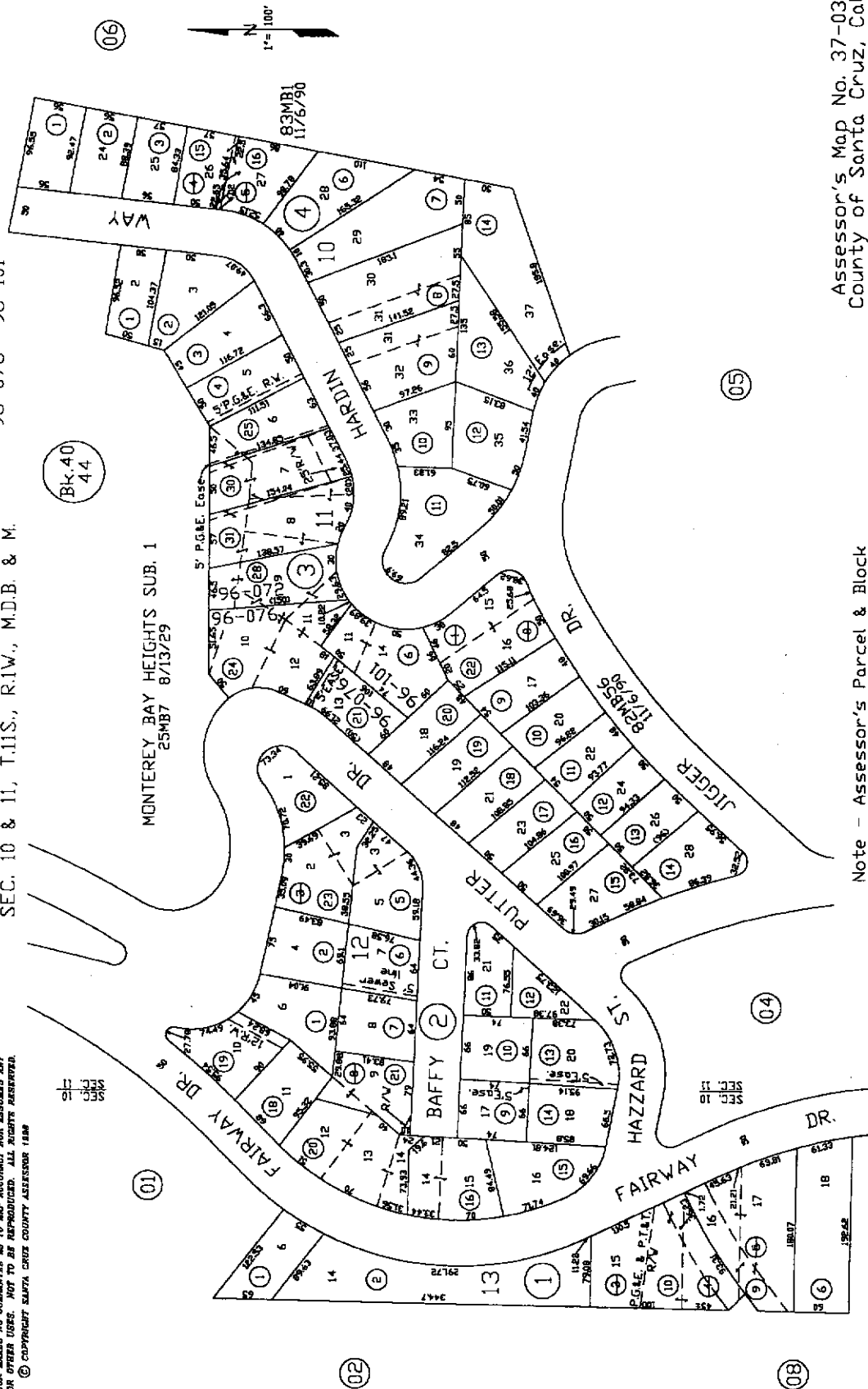


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POR. SOQUEL RANCHO
 SEC. 10 & 11, T.11S., R.1W., M.D.B. & M.

Tax Area Code
 96-076 96-101

37-03

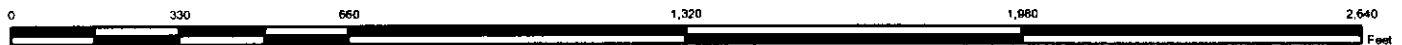
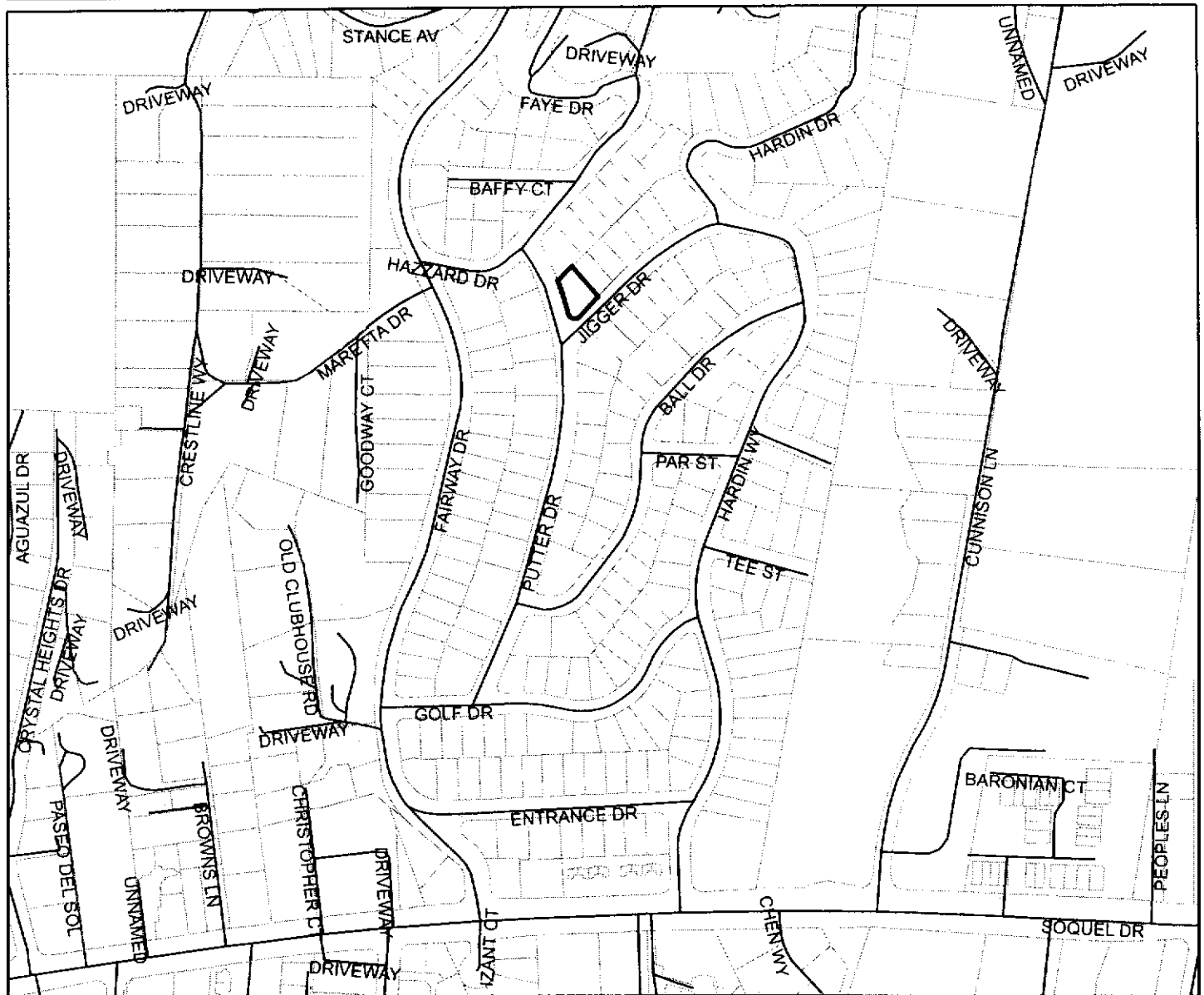


Note - Assessor's Parcel & Block
 Numbers Shown in Circles.




Assessor's Map No. 37-03
 County of Santa Cruz, Calif.
 Apr., 1998

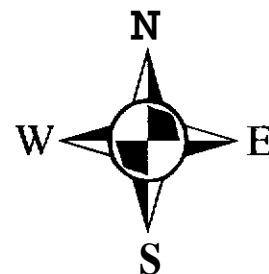


Location Map



Legend

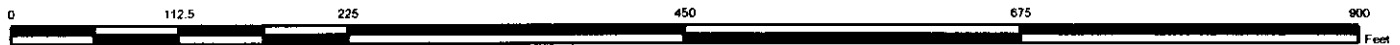
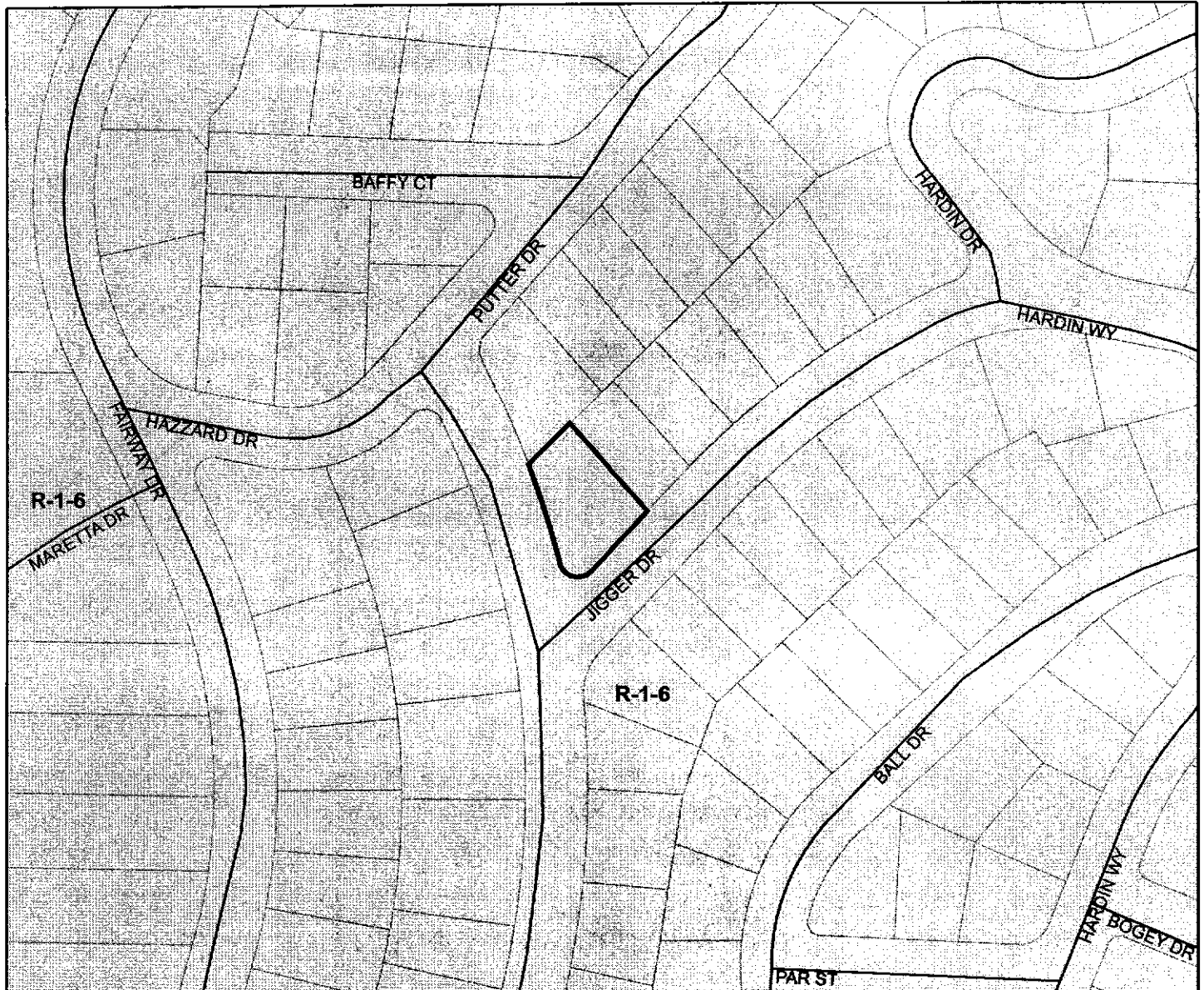
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-  Assessors Parcels
-  Streets







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Planning Department
November 2006

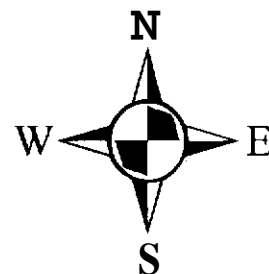


Zoning Map



Legend

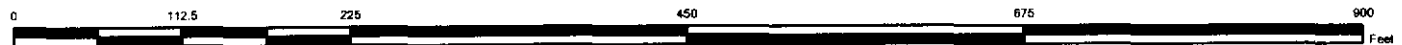
-  APN 037-033-14
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)









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Planning Department
November 2006

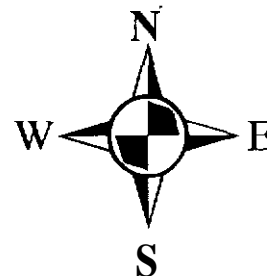


General Plan Designation Map



Legend

-  APN 037-033-14
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density (R-UL)
-  Urban Open Space (O-U)
-  Residential - Urban Very Low Density (R-UVL)



Map Created by
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Planning Department
November 2006

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Cathy Graves
Application No.: 06-0667
APN: 037-033-14

Date: March 16, 2007
Time: 11:07:10
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON DECEMBER 14, 2006 BY ANDREA M KOCH =====

1) No completeness comments. Project complete per Environmental Planning requirements.

Environmental Planning Miscellaneous Comments

===== REVIEW ON DECEMBER 14, 2006 BY ANDREA M KOCH =====

1) Please submit a geotechnical (soils) report with your building permit application. The report must be prepared by a registered civil engineer knowledgeable about soils engineering. A soils report is required because soils on this property have moderate shrink-swell potential.

Please see the following link for a list of soils engineers that often submit reports to the County. This list is provided as a helpful reference; you are not required to use a soils engineer on this list.

<http://www.sccoplanning.com/soilconsultants.htm>

2) Please submit an erosion control plan with your building permit application. The erosion control plan must show locations (in plan view) and construction details of all proposed erosion/sediment control devices.

Please see the following link for more information:

<http://www.sccoplanning.com/brochures/erosionplan.htm> ===== UPDATED ON MARCH 14, 2007 BY ANDREA M KOCH =====

3) The building permit plans must reference the date of the arborist's report, as well as the contact information and name of the arborist.

The plans must also state that all construction work in the vicinity of the coast live oak at the southeast perimeter of the property will conform to the arborist's recommendations.

4) The building permit plans must state that the coast live oak will be pruned and given a deep root fertilization. The arborist shall oversee these procedures.

5) The building permit plans must include the 8 tree protection guidelines listed in the arborist's report. ===== UPDATED ON MARCH 14, 2007 BY ANDREA M KOCH =====

6) A final letter from the arborist will be required prior to building permit final. The final letter must state that construction conformed to the recommendations in the arborist's report.

Dpw Drainage Completeness Comments

Discretionary Comments - Continued

Project Planner: Cathy Graves
Application No.: 06-0667
APN: 037-033-14

Date: March 16, 2007
Time: 11:07:10
Page: 2

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

----- REVIEW ON DECEMBER 15, 2006 BY JOHN G LUMICAO ===== Discretionary Permit application 06-0667 is complete in this stage. The miscellaneous comments should be addressed in the building stage.
===== UPDATED ON MARCH 15, 2007 BY JOHN G LUMICAO =====
NO COMMENT

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON DECEMBER 15, 2006 BY JOHN G LUMICAO ===== Storm runoff should be allowed flow down the natural drainage patterns and allowed to percolate back within property limits as shown on sheet 3/6 dated 11/21/06. No direct hard piping to the street will be permitted.

Show a cross section detail of the semi impervious surface. Sub grade should also be porous.

===== UPDATED ON MARCH 15, 2007 BY JOHN G LUMICAD =====
Please address previous comments in the building application.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON NOVEMBER 29, 2006 BY RUTH L ZADESKY =====
No Comment, project adjacent to a non-County maintained road.
===== UPDATED ON FEBRUARY 23, 2007 BY RUTH L ZADESKY =====
No Comment, project adjacent to a non-County maintained road

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON FEBRUARY 23, 2007 BY RUTH L ZADESKY =====
No comment

Dpw Road Engineering Completeness Comments

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

===== REVIEW ON DECEMBER 18, 2006 BY RODOLFO N RIVAS =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

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

===== REVIEW ON DECEMBER 18, 2006 BY RODOLFO N RIVAS =====
NO COMMENT

COUNTY OF SANTA CRUZ
INTER-OFFICE CORRESPONDENCE

DATE: March 12, 2007
TO: Cathy Graves, Planning Department, Project Planner
FROM: Melissa Allen, Planning Liaison to the Redevelopment Agency
SUBJECT: Application #06-0667, 2nd Rtg, APN 037-033-14, 5401 Jigger Drive at Putter Drive, Soquel

The applicant is proposing to construct a garage with a 2nd unit above of about 25 feet in height, on site with an existing single-family dwelling. The project requires a Residential Development Permit to exceed 17 feet within the Urban Area. The property is located at the intersection of Jigger Drive and Putter Drive (5401 Jigger Drive).

This application was considered at Engineering Review Group (ERG) meetings on December 6, 2006 and March 7, 2007. The Redevelopment Agency (RDA) previously commented on this application on December 12, 2006 (attached). RDA has the following remaining comment regarding the proposed project. RDA's primary concerns for this project involved the provision of adequate onsite parking, the protection of mature tree(s), and the protection of public right-of-way for public uses.

1. RDA suggests that in order to ensure protection of the existing 18" *oak* tree located adjacent to the driveway, that an arborist's recommendations be required to determine if there's specific protection techniques that should be utilized. For example, perhaps an alternative paving can be used around the tree's root zone.

The issues referenced above should be evaluated as part of this application and/or addressed by conditions of approval. RDA does not need to see future routings of this project. RDA appreciates this opportunity to comment. Thank you.

cc: Greg Martin, DPW Road Engineering
Betsey Lynberg, RDA Administrator

Paul Rodrigues, RDA Project Manager
Jan Beautz, District 1 Supervisor