



Staff Report to the Zoning Administrator

Application Number: **06-0132**

Applicant: Stephen Graves
Owner: Jon Lee
APN: 056-131-02

Agenda Date: September **21, 2007**
Agenda Item #: **1.**
Time: After 10:00 a.m.

Project Description: Proposal to reduce the required 40-foot front yard setback to about 15 feet to the house and garage and to construct a retaining wall up to 6 feet in height in the required front yard setback to facilitate the construction of a 2514 square foot, 2-story single-family dwelling with attached 693 square foot garage.

Location: Property is located on the east side of Jonathan Way about 300 feet northeast of the intersection of Blossom Way, Scotts Valley.

Supervisory District: 1st District (District Supervisor: Beautz)

Permits Required: Requires a variance to reduce the required front yard setback from 40 feet to 15 feet, a site standard review permit to construct a retaining wall up to 6 feet in height in the required front yard setback, and a preliminary grading approval to move approximately 500 cubic yards of earth.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under ~~the~~ California Environmental Quality Act.
- Approval of Application 06-0132, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	1.055 acres
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Residential to south, west, and east; vacant to north

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

Project Access: Jonathan Way
Planning Area: Carbonera
Land Use Designation: R-UVL (Urban Very Low Density Residential)
Zone District: R-1-1 AC (Single-family residential, one acre minimum)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Nisene-Aptos complex
Fire Hazard: Not a mapped constraint
Slopes: 30 – 50%
Env. Sen. Habitat: Zayante band-winged grasshopper mapped habitat, but no physical evidence on site
Grading: Excavation = **431** cubic yards, fill = 70 cubic yards
Tree Removal: 4 oak trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Scotts Valley Water District
Sewage Disposal: On-site disposal
Fire District: Scotts Valley
Drainage District: N/A

Project Setting

The project site is located within the urban services line of the City of Scotts Valley, but lies outside the boundaries of the City, in the unincorporated County. The area is characterized by lots of one acre and larger, mostly developed with single-family dwellings. Jonathan Way, which provides access to the parcel, is a dead-end road, extending about 250 feet beyond the subject parcel, serving three other parcels.

The parcel has a relatively flat area extending from the northwest corner for about 100 feet toward the southeast. The parcel falls away from that relatively flat area steeply in all directions. The relatively flat area is the only buildable area on the parcel.

Vegetation in the area of the proposed development is composed of grasses and oak trees. Four oak trees are proposed to be removed. This permit is conditioned to require replacement of the oaks with new oaks at a ratio of 2:1, along the front of the parcel and/or along the inside edge of the right-of-way

Zoning & General Plan Consistency

The subject property is a 1.055 acre (46,000 square feet) lot, located in the R-1-1AC (Single-family residential, one acre minimum) zone district, a designation that allows single-family dwellings. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's R-UVL (Urban Very Low Density Residential) General Plan designation.

Variance

The standard front yard setback for the R-1-1AC zone district is 40 feet. Here, the applicant is requesting a front yard setback of 15 feet.

SETBACK	REQUIRED	PROPOSED
Front yard	40 feet	15 feet
Side yard	20 feet	20 feet
Rear yard	20 feet	300 feet+

The subject property is very constrained regarding a building site. The only relatively flat area extends across almost the entire width of the parcel, from the northwest corner in a southeasterly direction and is about 35 feet wide by 100 feet long. To the northeast of the relatively flat area, the land slopes away at grades of 30 percent and more. Because of the location of the relatively flat area, the building cannot feasibly be located 40 feet back from the front property line, the normal front yard setback for the zone district, without encountering steep slopes.

A number of the other properties along Jonathan Way do not meet current setbacks, although a search of Planning Department records revealed no variance applications, but several building permits do appear. Whether those other properties ever received variances or were built before variances were required is unknown. Nonetheless, those other properties do enjoy the privilege of reduced setback(s). If the 40-foot front yard setback were imposed, the buildable area of the parcel would be a triangular area of approximately 1400 square feet. Assuming a 400 square foot garage, 1000 square feet would remain. If two story, the total house size (not including the garage) would be 2000 square feet, which would be somewhat smaller than the average size of other houses in the vicinity along Jonathan and Blossom. According to the Assessor's records, the average size (not including garages) of seven other houses on Jonathan and Blossom is 2244 square feet, with a range from 1573 square feet to 2963 square feet. Garages at those seven other properties average 578 square feet, with a range from 437 square feet to 880 square feet. With approval of the variance, a two-story house of 2514 square feet with an attached 693 square foot garage could be built.

Thus, the granting of a variance in this case would not constitute a grant of special privileges.

Thus, staff recommends approval of the variance request. Please see Exhibit B for the variance findings.

Retaining Wall Between 3 and 6 Feet Tall in the Required Front Yard Setback

Retaining walls (and fences) are not allowed to be more than 3 feet tall within a front yard setback

without approval of a permit. Here, the applicant is proposing to construct a retaining wall for driveway purposes in the front yard setback and into the right-of-way (see below for discussion of construction in a private right-of-way). Portions of the retaining wall will be up to 6 feet tall in the required 40-foot front yard setback. There are no issues with sight distance or interference with traffic from the over-height wall as only three other parcels (currently undeveloped) between the subject parcel and the end of the right-of-way have their access from Jonathan Way, which extends only another 250 feet beyond the subject parcel. Additionally, the right-of-way is straight as it passes in front of the subject parcel, so there is no issue with vehicles being hidden by curves in the road. Please refer to the Development Permit findings (Exhibit B) for further discussion.

Construction in a Private Right-of-way

The proposal includes construction of a portion of a retaining wall and driveway in a private right-of-way. A person placing an improvement in a private right-of-way does so at his/her own risk in that the area may be needed at some future time for roadway or roadside improvements or may conflict with current private covenants and/or restrictions that could result in adjudication in civil court. To avoid these conflicts, improvements should not impede vehicular, bicycle, or pedestrian access or reduce existing on-street parking.

For non-County maintained roads, the County Code does not explicitly address the regulation of improvements located within rights-of-way; however, one of the purposes of the Zoning Regulations (13.10.120(b)) is "to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare." It is reasonable to conclude such protection includes private rights-of-way.

For purposes of the County processing an application for development proposed in a private right-of-way, the applicant must show one of the following: 1) court approval of a quiet title action or 2) provide quit claim deeds from all other property owners entitled to use the private right-of-way or, 3) provide evidence that the applicant has contacted the other owners entitled to use the right-of-way and that none of those other owners have objected to the applicant's proposal. The first two options perfect the applicant's legal right to ownership of the right-of-way. The third option (Option 3) does not perfect the applicant's legal ownership of the right-of-way and does not preclude legal action to force removal of the development at some time after it is constructed. For this reason, when an applicant chooses Option 3, before any permits may be issued, the applicant must record a Hold Harmless Agreement agreeing to defend, indemnify, and hold harmless the County from and against any claim related to the approval of development in the private right-of-way.

Here, the applicant has chosen to pursue Option 3. Three property owners with rights to the right-of-way objected to the proposal, but only one on the grounds that their right to use the right-of-way might be compromised (the other two property owners' objections were based on non-right-of-way issues such as drainage from future development; see Exhibit G). The applicant discussed the issues with the property owner who expressed right-of-way use concerns and that property owner subsequently rescinded their objection in writing. The applicant has recorded the required hold harmless agreement and the County can now issue permits for development by the applicant in the Jonathan Way right-of-way. Jonathan Way is a dead-end road and extends about 250 feet beyond the subject parcel, serving three other parcels.

Environmental Review

The proposed variance and over-height retaining wall permit are exempt from environmental review.
See Exhibit D.

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 06-0132, 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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Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3172
E-mail: pln950@co.santa-cruz.ca.us

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.

The subject property is very constrained regarding a building site. Although the parcel is just over one acre in size, the only practicable building area is a relatively flat area of approximately 3500 square feet. This area extends across almost the entire width of the parcel, from the northwest corner in a southeasterly direction and is about 35 feet wide by 100 feet long. Imposition of the 40 foot front yard setback reduces the relatively flat area to about 1400 square feet. To the northeast of the relatively flat area, the land slopes away at grades of 30 percent and more. Because of the location of the relatively flat area, the building cannot feasibly be located 40 feet back from the front property line, the normal front yard setback for the zone district, without encountering steep slopes.

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

This finding can be made, in that the development of the subject property with a single-family dwelling will be compatible with the existing development in the surrounding area. The house on the parcel immediately to the south of the subject parcel is approximately 10 feet from that parcel's north property line (the south property line of the subject parcel). The proposed house on the subject parcel will meet the 20 foot side yard setback and the reduced front yard setback will not put the proposed house any closer to the house on the parcel to the south than if the 40 foot **front** yard setback were maintained. The existing portion of Jonathan Way in front of and beyond the subject parcel is currently dirt; approval and construction of the project will include paving and upgrading of that portion of the road.

3. That the granting of such variance 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.

A number of the other properties along Jonathan Way do not meet current setbacks, although a search of Planning Department records revealed no variance applications, but several building permits do appear. Whether those other properties ever received variances or were built before variances were required is unknown. Nonetheless, those other properties do enjoy the privilege of reduced setback(s). If the 40-foot front yard setback were imposed, the buildable area of the parcel would be a triangular area of approximately 1400 square feet. Assuming a 400 square foot garage, 1000 square feet would remain. If two story, the total house size (not including the garage) would be 2000 square feet, which would be somewhat smaller than the average size of other houses in the vicinity along Jonathan and Blossom. According to the Assessor's records, the average size (not including garages) of seven other houses on Jonathan and Blossom is 2244 square feet, with a range from 1573 square feet to 2963 square feet. Garages at those seven other properties average 578 square feet, with a range from 437 square feet to 880 square feet. With approval of the variance, a

Application #: 06-0132
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Owner: **Jon** Lee

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two-story house of 2514 square feet with **an** attached 693 square foot garage could be built, which would not constitute a grant of special privileges.

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 location of the over-height retaining wall along Jonathan Way will allow adequate sight distance for vehicles to turn on to and off of Jonathan Way in a safe manner, in that the design of the retaining wall meets County design criteria related to street intersection sight distance.

The location of the retaining wall on the property and its design do not contain any corners or pockets that would conceal persons with criminal intent.

The design of the retaining wall will not utilize an excessive quantity of materials or energy in its construction or maintenance, in that the retaining wall is a relatively insignificant structure that is accessory to the residential use allowed on the property.

The design and location of the retaining wall will not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that the retaining wall will be no closer than 30 feet from the abutting, residentially-developed parcel.

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 location of the proposed retaining wall and the conditions under which it would be operated or maintained will be consistent with the purpose of the R-1-1AC (Single-family residential, one acre minimum) zone district in that the primary use of the property will be residential, and a retaining wall is a normal ancillary use in the zone district;. Specific regulations for fencing and walls are contained in section 13.10.525. This proposal complies with the requirements and intents of that section, in that:

- The retaining wall will be situated on the property in a manner that allows adequate sight distance (approximately 150 feet) for vehicles traveling along the roadway as well as entering and exiting the property, in that the road, the right-of-way, and wall are all essentially straight and aligned parallel to the property line. Further, Jonathan Way is a dead end road, serving only three other properties beyond the subject parcel and the retaining wall is proposed to be setback from the traveled way.
- The retaining wall will extend about 11 feet into the right-of-way, but will be 10 feet back from the traveled way and will allow adequate light and air to pass through to the street area.

- The location of the retaining wall on the property and its design do not contain any corners or pockets that would conceal persons with criminal intent.
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 fence is set back from the road and allows adequate sight distance consistent with road standards specified in the General Plan. The project is located in the R-UVL (Urban Very Low Density Residential) land use designation.

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 retaining wall will not utilize a significant amount of electricity or utilities and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate motors do not create a significant draw on electrical utilities, and a retaining wall is not a use that generates or intensifies 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.

There are no other retaining walls of similar fashion in the neighborhood, because no other developed parcel is as constrained as the subject parcel. However, the colors will be natural or muted tones compatible with the area. The proposed retaining wall does not alter or increase the density or intensity of residential use within the surrounding neighborhood.

Conditions of Approval

Exhibit A: Projects plans, 10 sheets, sheets C1, C2, and C3 prepared by RI Engineering, dated Revised per geotechnical engineer comments, April 2007; sheets A-1 through A-7 prepared by Leif Rideout Architect, dated 04-16-07.

- I. This permit authorizes the reduction of the front yard setback from 40 feet to **15** feet to the garage and house and the construction of a retaining wall up to six feet high in the front yard setback. 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.
- 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. One elevation shall indicate specific materials and colors, including those for the retaining wall as they were approved by this Discretionary Application. In addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 ½" x 11" format for Planning Department review and approval
 2. Grading, drainage, and erosion control plans.
 3. Indicate on the plans the destination of excavated materials.
 4. Indicate on the plans top-of-wall and bottom-of-wall elevations for the retaining wall.
 5. Please submit a letter ~~from~~ the geotechnical engineer confirming that the

proposed drainage plan will not cause adverse impacts to adjacent areas and will not compromise stability of slopes. The drainage plan shall also be approved by Environmental Planning staff.

6. 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. Maximum height is **28** feet.
 7. Show installation of eight replacement *oak* trees at the front edge of the parcel and/or along the inner edge of the right-of-way.
 8. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- 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 any applicable drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - F. Meet all requirements and pay any applicable plan check fee of the Scotts Valley Fire Protection District.
 - G. Pay the current fees for **Parks** and Child Care mitigation for 3 bedroom(s). Currently, these fees are, respectively, \$800.00 and \$109.00 per bedroom.
 - H. Provide required off-street parking for **3** 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.
- 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, including eight new *oak* trees.
- 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 modifymg 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.

Approval Date: September 21, 2007

Effective Date: October 6, 2007

Expiration Date: October 6, 2009

Don Bussey
Deputy Zoning Administrator

Steven Guiney
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: 06-0132

Assessor Parcel Number: 056-131-02

Project Location: Property is located on the east side of Jonathan Way about 300 feet northeast of the intersection of Blossom Way, Scotts Valley.

Project Description: Proposal to reduce the required 40-foot front yard setback to about 15 feet to the house and garage and to construct a retaining wall between 3 and 6 feet in height in the required front yard setback to facilitate the construction of a 2-story single-family dwelling with attached garage.

Person or Agency Proposing Project: Jon Lee

Contact Phone Number: (831) 247-1788

- 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. ☒ **Categorical Exemption**

Specify types: Class 3, New Construction of Conversion of Small Structures

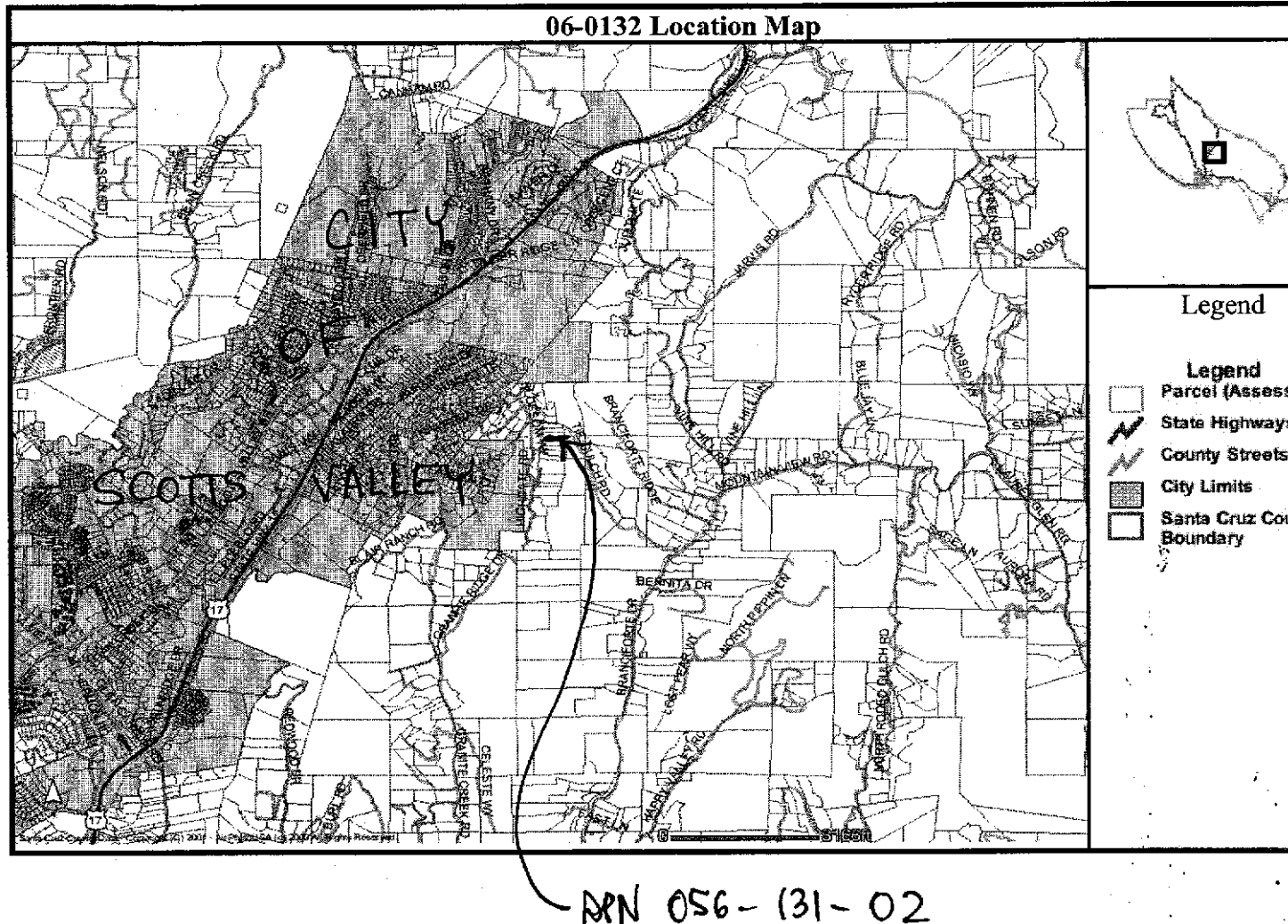
F. Reasons why the project is exempt:

Construction of the retaining wall will enable access to the site while minimizing grading. The variance will allow for development to occur on the flattest part of the parcel, keeping development away from steep slopes.

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

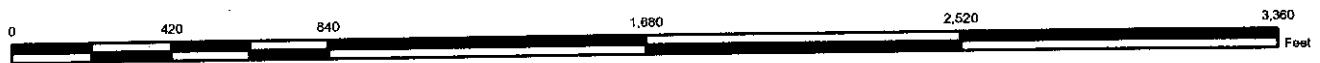
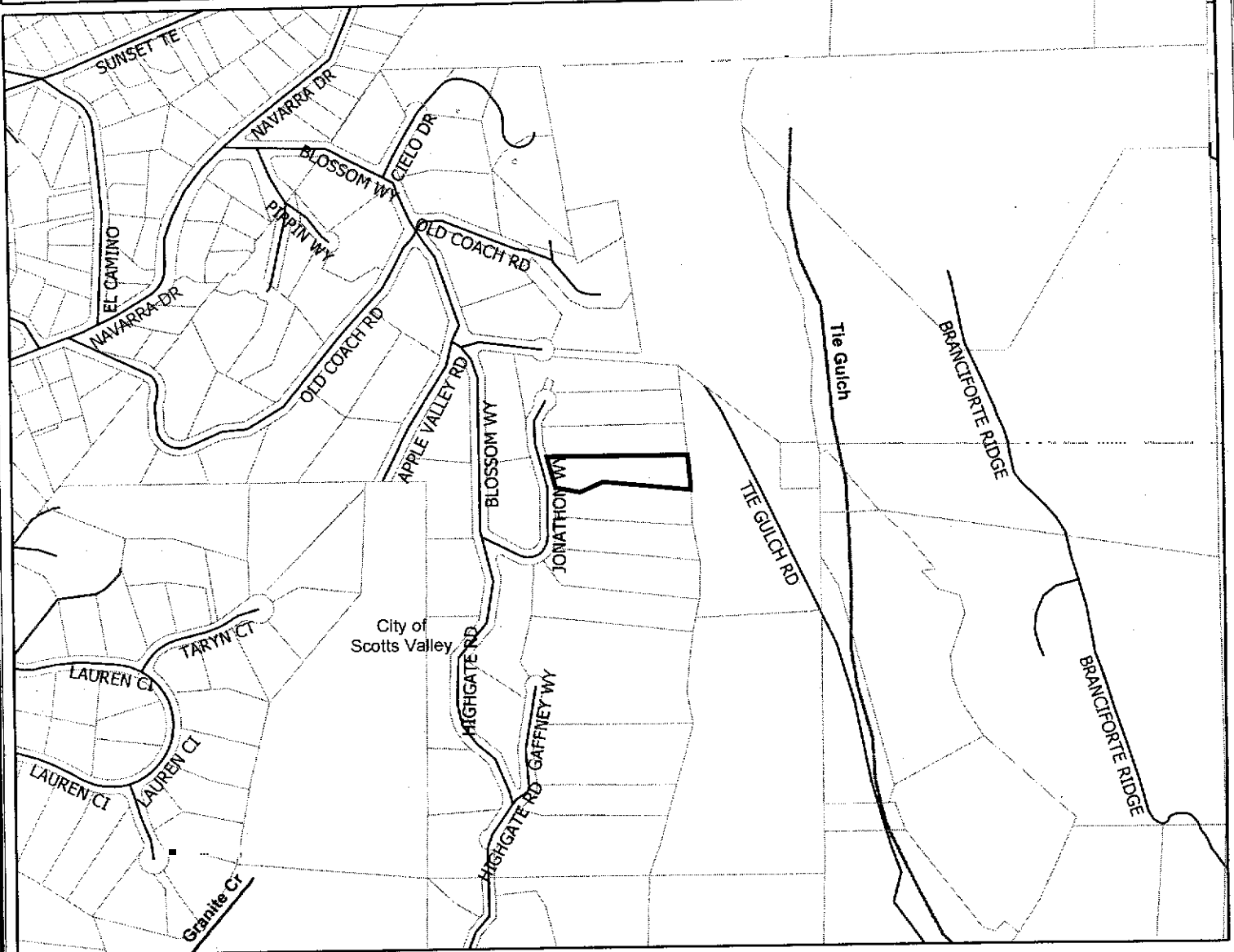

Steven Guiney, Project Planner

Date: 04 September 2007








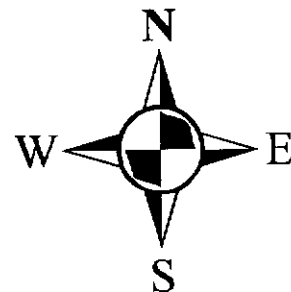


Location Map



Legend

-  APN 056-131-02
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  PERENNIAL STREAM



Map Created by
County of Santa Cruz
Planning Department
March 2006

EXHIBIT E

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

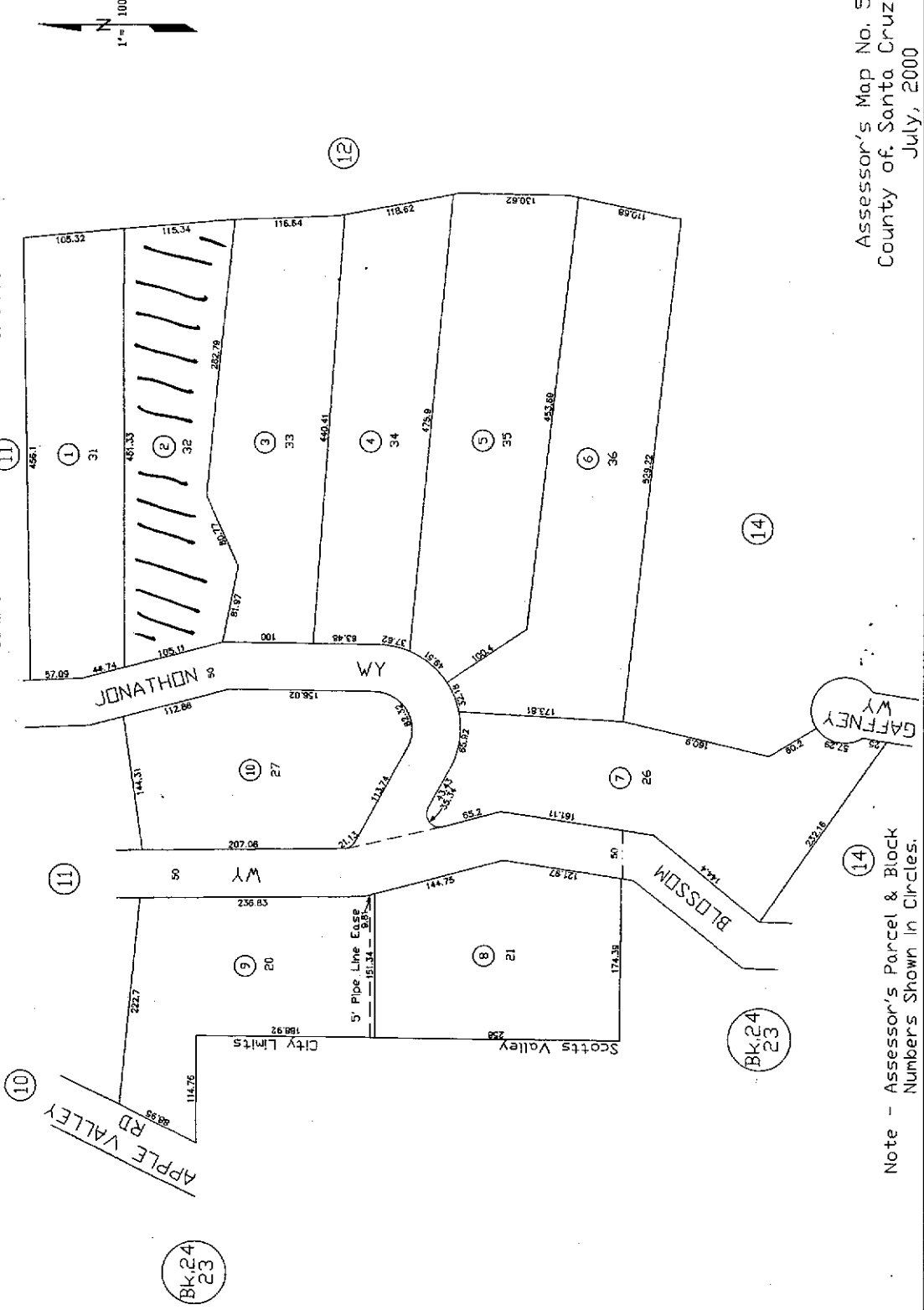
POR. SEC. 17, T.10S., R.1W., M.D.B. & M.

Tax Area Code

94-065

LANDS OF SANTA CRUZ LAND & TITLE CO.
33MB341 10/14/55

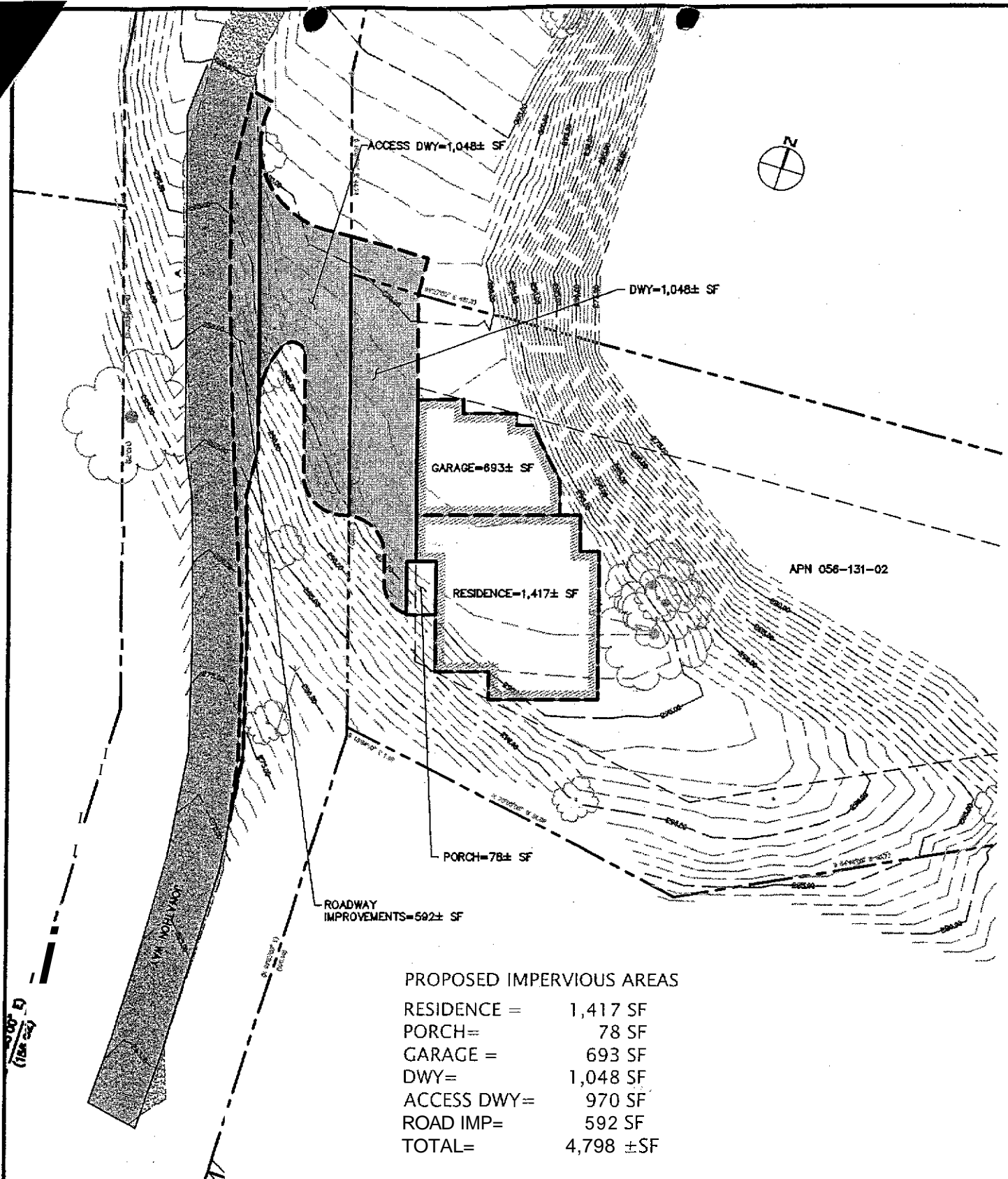
56-113



Assessor's Map No. 56-13
County of Santa Cruz, Calif.
July, 2000

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

EXHIBIT




PROPOSED IMPERVIOUS AREAS

RESIDENCE =	1,417 SF
PORCH =	78 SF
GARAGE =	693 SF
DWY =	1,048 SF
ACCESS DWY =	970 SF
ROAD IMP =	592 SF
TOTAL =	4,798 ± SF

PROPOSED CONDITIONS
N.T.S..

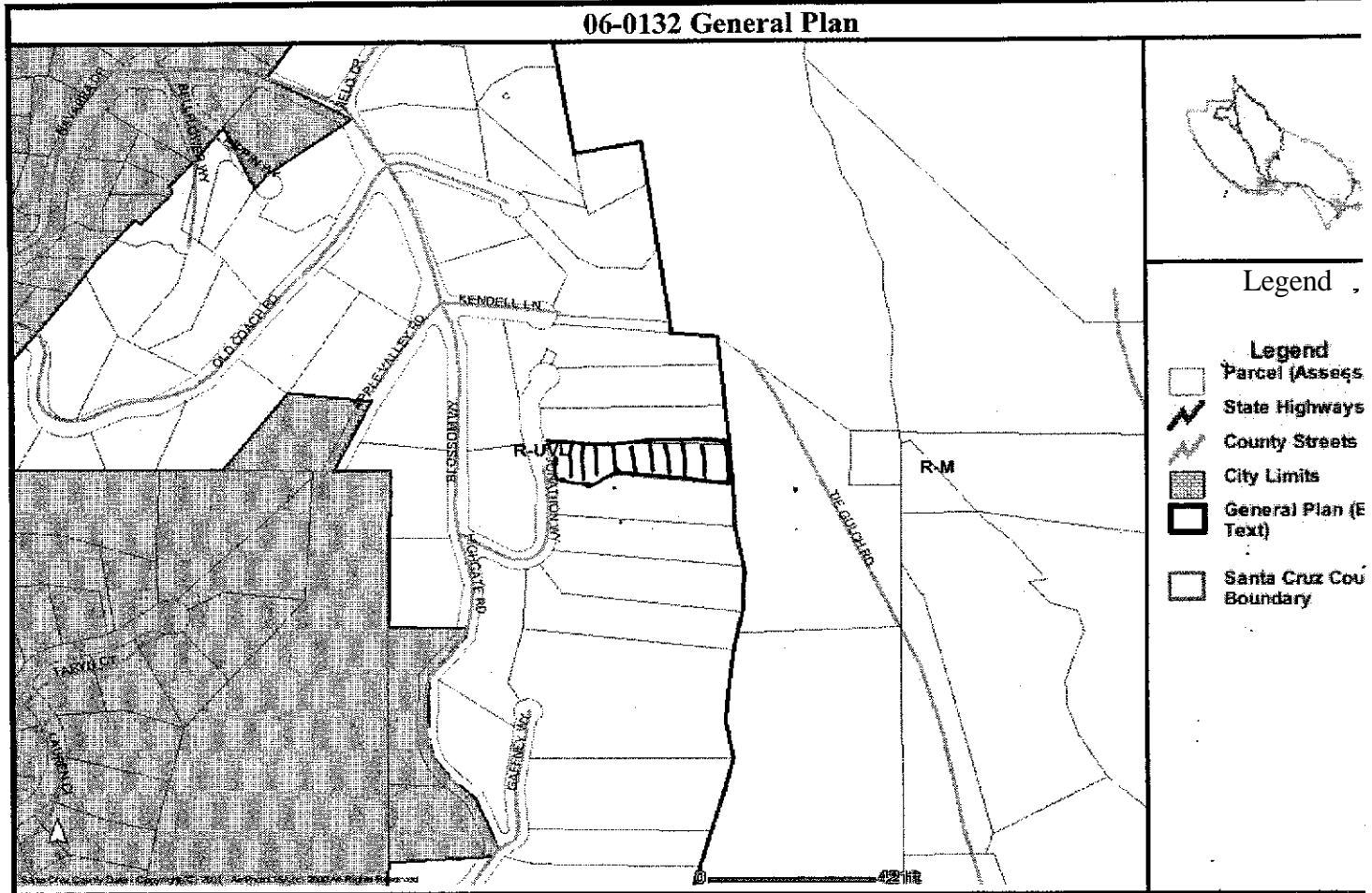
A-3

PROPOSED RESIDENCE
FOR
MR. JOHN LEE
JONATHAN WAY
SCOTTS VALLEY, CA 95067 APN 056-131-02
PROPOSED CONDITIONS

RI Engineering, Inc. 

303 Potrero St., Suite 42-2 - 18 - 1, CA 95060
831-425-3901 www.ri-engineering.com

EXHIBIT E



Steven Guiney

From: Vicki Garside [vickigarside@comcast.net]
Sent: Sunday, 01 July 2007 01:25
To: 'Jon Lee'; Steven Guiney
Subject: Jonathon Way

Jon Lee and Steven Guiney,
We submitted a letter to your office regarding a proposed residential development on Jonathon Way in Scotts Valley.
In that letter we expressed several concerns regarding easements and rights of way. We have met with Jon Lee (applicant) and discussed our concerns about his proposed development. At this time, Jon Lee has satisfied our concerns.

Thank you for keeping us informed during this process.

Vicki and Tom Garside
Coldwell Banker
33 Jonathon Way
Scotts Valley, CA 95066
(831) 438-6018

May 26, 2007

FAX TO: 454-2131

Steven Guiney
County Planner

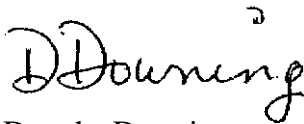
Application: 06-0132
APN# 056-131-02

I have lived at 10 Jonathon Way for 37 years in a cul-de-sac on a privately maintained street. There is a large water run off from the area where the **proposed** residence is located. **The** run off **drains** directly into my driveway and **also** in the driveway next door at 1 Jonathon Way.

We are responsible for the maintenance of the private roads in this area and a construction crew driving up the **right** of way in heavy equipment vehicles will further destroy our land and roads.

There have been several attempts (or at least rumors of that nature) **of** plans to build on those **lots** and have always been denied.

I believe the **proposed** project would be inconsistent with **the rights** of **this** neighborhood.



Dorothy Downing
10 Jonathon Way
Scotts Valley, Ca 95066

(831)438-2159

May 25,2007

Steven Guiney
county Planner
454-3 172

Re: Application: 06-0132
APN 056-131-02

Mr. Guiney,

This letter is written in response to your letter dated March 28,2007. We do have concerns regarding the release of any of our rights to the Right of Way on Upper Jonathon Way (the unpaved road/area).

First of all, why is there a question regarding our right of use and secondly what is proposed on those parcels that precludes our right of use? Are we talking about our right to pass over or onto the end of Jonathon Way? We also have concern about any kind of financial impact to the HOA and directly to the Jonathon Way/Kendall Way neighborhoods.

Another point to consider is that all members of the Apple Valley Home Owners Assoc. may have an interest in the Right of Way. I have been advised in the past that the ownership and responsibility for the Right of Way (outside of the actual roadway) was that of the Apple Valley HOA. This was offered from County sources as well as Title and Escrow Company involved and independent legal interpretations. Has the entire Apple Valley Homeowner Association been notified by your same letter of March 28th, 2007?

This roadway in its entirety has been openly and notoriously used by many persons within the community both community homeowners and tenants, joggers, walkers, parents with strollers, equestrians, bicyclists and others. It appears that rights regarding the Right of Way and easement(s), drainage, and development concerns do exist within the community and directly with and to the Jonathon Way neighborhood and may need to be reconsidered and addressed.

While we are not against the development of the site per say, (as described, APN 056-131-02), we do wish to insure that the proper and fair procedures are followed and the above concerns addressed. It appears that this is the first step in an application for a zoning variance regarding setback requirement on a difficult building site. Communication is an important factor.

Respectfully Submitted,

Tom and Vicki Garside
33 Jonathon Way
Scotts Valley, CA 95062

EXHIBIT 61

Santa Cruz County Building
Steven Guiney, County Planner ph#454-3172
FAX# 454-2131 9 pages sent

Brian Anderson & Kelly Otis
1 Jonathan Way, Scotts Valley,
CA 95066
Ph#831.438.6689 bianrq@aol.com

RE: Procedural Clearance Statement for Application #06-0132, APN #056-131-02

On March 28, 2007, we received a letter from Mr. Jon Lee, regarding his potential Right-of-way request to extend Jonathan Way for his new home. Accompanying this letter was another letter from you inquiring as whether there's anything inconsistent with our rights if he were to acquire this right-of-way.

We are Concerned about 2 drainage issues the underground flow and topical sediment build-up originating from uphill during the rainy season.

We do have an erosion problem here, and believe the water comes from uphill (Mr. Lee's property). During the heavy rains, we get "creeks" of water bubbling up from different gopher holes or underground waterways. While we have been able to combat a bit of the water with 2 french drains and a culvert, the water always finds new paths. Furthermore, we get water under our house, washing out a large path of our landscape, down to 100 feet at times. Historically, there has been up to "15 wheelbarrow loads" of sediment deposited on our front step originating from upper Jonathan Way.

If Mr. Lee is granted approval, we hope that a preliminary study, and rectification can take place to avoid his construction possibly enhancing the current problem. Despite the fact that I am not a geologist, We are concerned that the deep drilling he'll do may create additional water paths. The soil up here is very sandy and tends to send water down, instead of absorbing it. Hopefully his septic will stay retained, as to not blend with drainage.

The street paving, extending, and hammerhead design has no benefit to us, as fire trucks have been here and never had an access problem. Since the 4 homeowners here pay to maintain Jonathan Way, we are opposed to having to provide any monies to maintain an extended portion.

We also understand that the 2 lots next to Mr. Lee's are owned by his family, and believe the hammerhead will ease the development of 2 more large homes stuffed onto an effectively small lot. 2 or 3 homes up there not only possibly multiplies my drainage problem by 2 or 3, but also will also drastically change the feel of this country neighborhood. I'll attach 6 pages of the Declaration Imposing Covenants, Restrictions, Easements and Aareements, created in 1963 for this subdivision. Page 2 of it states that all structures built must be suitable to a rural suburb. 1 home up there may conform, but 2 or 3 homes up there would be extremely condensed. While they may have the acreage required here, the majority of it is a steep drop-off. Appearances will reveal tiny buildable lots, occupied by large homes.

Please feel free to contact us with any questions arising from this letter. Thank-you for your concerns and consideration on this sensitive issue.

Best Regards,

Brian Anderson & Kelly Otis

