



Staff Report to the Zoning Administrator

Application Number: **07-0189**

Applicant: Richard Emigh
Owner: Bruce and Pamela Orisek
APN: 038-231-14

Agenda Date: September 19, 2008
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing three-car garage and to construct a two-story single-family dwelling containing a 640 sq. ft. second dwelling unit and a two-car garage with a detached 525 sq. ft. habitable one-story structure.

Location: 114 New Brighton Road, Aptos

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Amendment to Coastal Development Permit

Technical Reviews: Arborist Report

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0189, based on the attached findings and conditions.

Exhibits

- | | |
|---|---------------------------------------|
| A. Project plans | H. Assessor's map |
| B. Findings | I. Record of Survey |
| C. Conditions | J. Discretionary Application Comments |
| D. Categorical Exemption (CEQA determination) | K. Urban Designers Comments |
| E. Location parcel map | L. Arborist report |
| F. General Plan map | M. Tree failure photos |
| G. Zoning map | N. Reduced plans |

Parcel Information

Parcel Size: 10,091 sq. ft.
Existing Land Use - Parcel: garage
Existing Land Use - Surrounding: Single family residential

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

Project Access: New Brighton Road
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-8 (Single family residential - 8,000 sq. ft. per unit)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Mapped / Monarch Butterfly
Grading: No grading proposed
Tree Removal: No 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: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

Use Permit 95-0630 allowed the construction of a 600 sq. ft. garage on a vacant parcel, allowed electricity to be sub-paneled from another parcel and permitted the removal of two significant trees.

Project Setting and Proposal

The project is located near the south end of New Brighton Road. The parcel is surrounded by Eucalyptus globulus (Blue Gum) and Cypressus macrocarpa (Monterey Cypress). The garage that was approved by the permit mentioned above was built. The applicant is proposing to demolish the existing garage and construct a new, two-story single family dwelling of approximately 4,380 sq. ft (including a two-car garage of 500 sq. ft.).

Attached to the proposed residence is a one story, 640 sq. ft. second unit. A 525 sq. ft. one story, detached habitable structure (consisting of one room and a full bath is included in the proposal.

Local Coastal Program Consistency

The proposed single-family residence is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

The project site is not located between the shoreline and the first public road (Pot Belly Beach Road is the first through road) and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Zoning & General Plan Consistency

The subject property is a 10,091 square foot lot, located in the R-1-8 (Single family residential - 8,000 square feet per unit) zone district, a designation that allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

SITE DEVELOPMENT STANDARDS TABLE

	R-1-8 Standards	Proposed Residence
Front yard setback:	20 feet	30'-0" (south)
Side yard setbacks:	5 feet and 8 feet (10 feet street side)	5'-0" (east) 19'-6" (west)
Rear yard setback:	15 feet	15'-0" (north)
Lot Coverage:	30 % maximum	29.6 %
Building Height:	28 feet maximum	24'-0" ±
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50 %)	49.9 %
Parking	3 bedrooms – 3 (18' x 8.5')	two in garage two uncovered

Design Review

The proposed new residence complies with the requirements of the County Design Review Ordinance (Chapter 13.11) and the Local Coastal Plan (Chapter 13.20). The materials proposed are cement plaster walls and low slope roofing.

The style of the design is simplified contemporary. The size, massing, number of stories and

scale will fit within the existing neighborhood. The Urban Designer reviewed the project and comments are attached as Exhibit K.

Arborists Report and Tree Removal

Attached is an arborist's report that reviewed seven trees for health and safety. The report recommends removal of a 24" d.b.h. Blue Gum and 48" d.b.h Monterey Cypress that presented a liability and potential hazard. The Monterey Cypress was leaning heavily toward the site of the proposed building. This tree blew down in January of 2008 and the documentation is included as Exhibit ?. Staff supports removal of the remaining Blue Gum and inclusion of the recommendations in the arborist's report as Conditions of Approval.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

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 07-0189, 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

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-8 (Single family residential - 8,000 square feet per unit), a designation that allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single-family residence will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-8 (Single family residential - 8,000 square feet per unit) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-8 (Single family residential - 8,000 square feet per unit) zone district in that the primary use of the property will be one single-family residence with an attached second unit that meets all current site standards for the zone district.

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

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

The proposed single-family residence will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family residence will comply with the site standards for the R-1-8 zone district (including setbacks, lot coverage,

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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 single-family residence is to be constructed on an existing developed lot.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family residence is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed single-family residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

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Conditions of Approval

Exhibit A: Architectural plans by Richard Emigh, A.I.B.D., dated 01.28.03
revised 9-17-07.

- I. This permit authorizes the construction of an addition to a garage to create a single-family residence and second unit. 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval
 2. Grading, drainage, and erosion control plans, as required.
 3. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.

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- 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.
 - D. Meet all requirements of and pay Zone 6 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 Aptos/La Selva Fire Protection District.
 - F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, if required.
 - G. Pay the current fees for Parks and Child Care mitigation for four bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - H. Pay the current fees for Roadside and Transportation improvements for four bedrooms. Currently, these fees are, respectively, \$2,360 and \$2,360 per unit.
 - I. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - 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. **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 shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.

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

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the

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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: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Lawrence Kasparowitz
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: 07-0189
Assessor Parcel Number: 038-231-14
Project Location: 114 New Brighton Road, Aptos

Project Description: Proposal to demolish an existing three-car garage and to construct a two-story single-family dwelling containing a 640 sq. ft. second dwelling unit and a two-car garage with a detached 525 sq. ft. habitable one-story structure.

Person Proposing Project: Richard Emigh

Contact Phone Number: (831) 479-1452

- 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. X Categorical Exemption

Specify type: Class - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of two small structures.

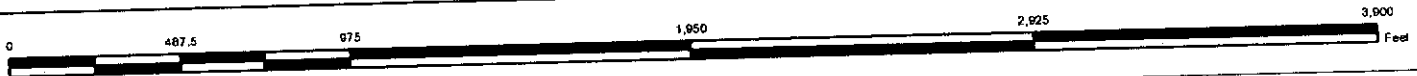
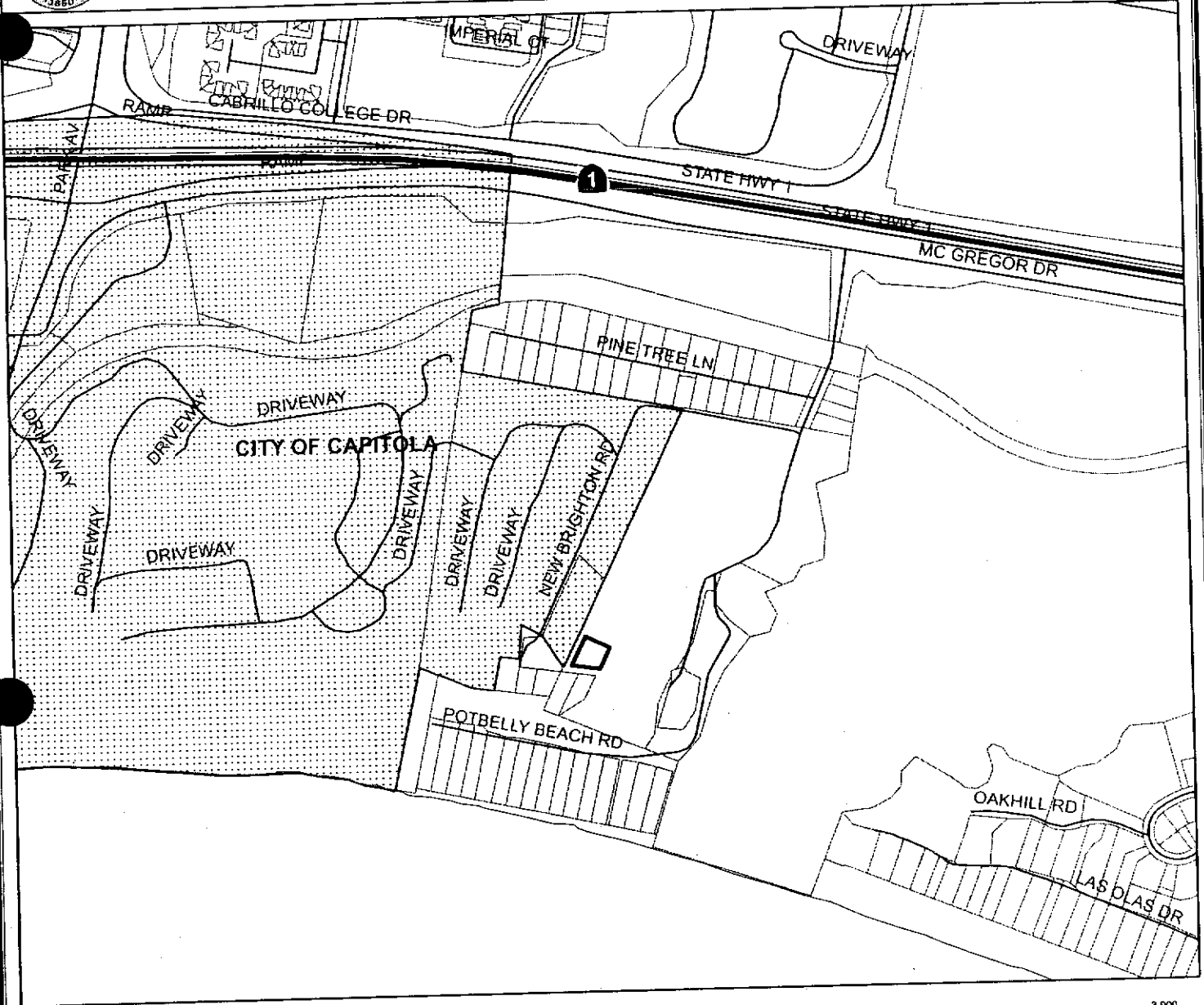
In addition, none of the conditions described in Section 15300.2 apply to this project.

Lawrence Kasparowitz, Project Planner







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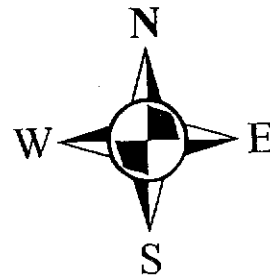


Location Map



Legend

-  APN 038-231-14
-  Assessors Parcels
-  State Highways
-  Streets
-  City of Capitola
-  County Boundary

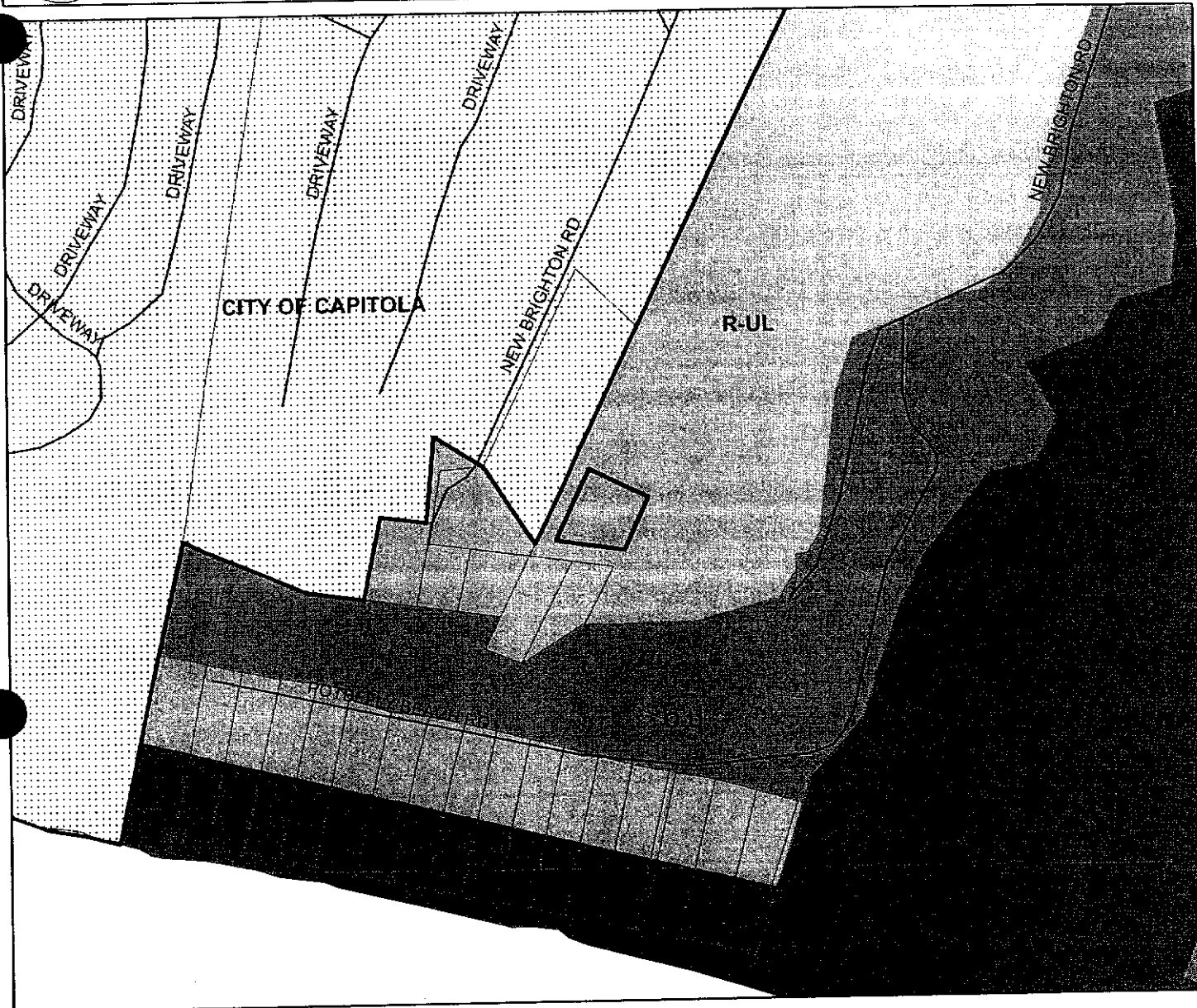


Map Created by
County of Santa Cruz
Planning Department
May 2007








EXHIBIT E

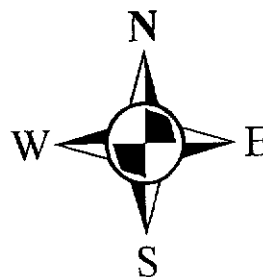


General Plan Designation Map



Legend

-  APN 038-231-14
-  Assessors Parcels
-  Streets
-  City of Capitola
-  Residential - Urban Low Density (R-UL)
-  Urban Open Space (O-U)
-  Parks and Recreation (O-R)

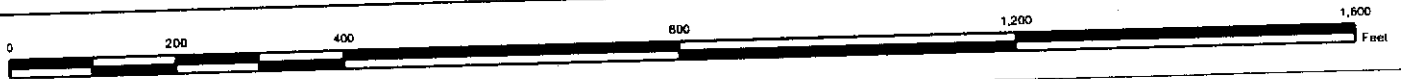
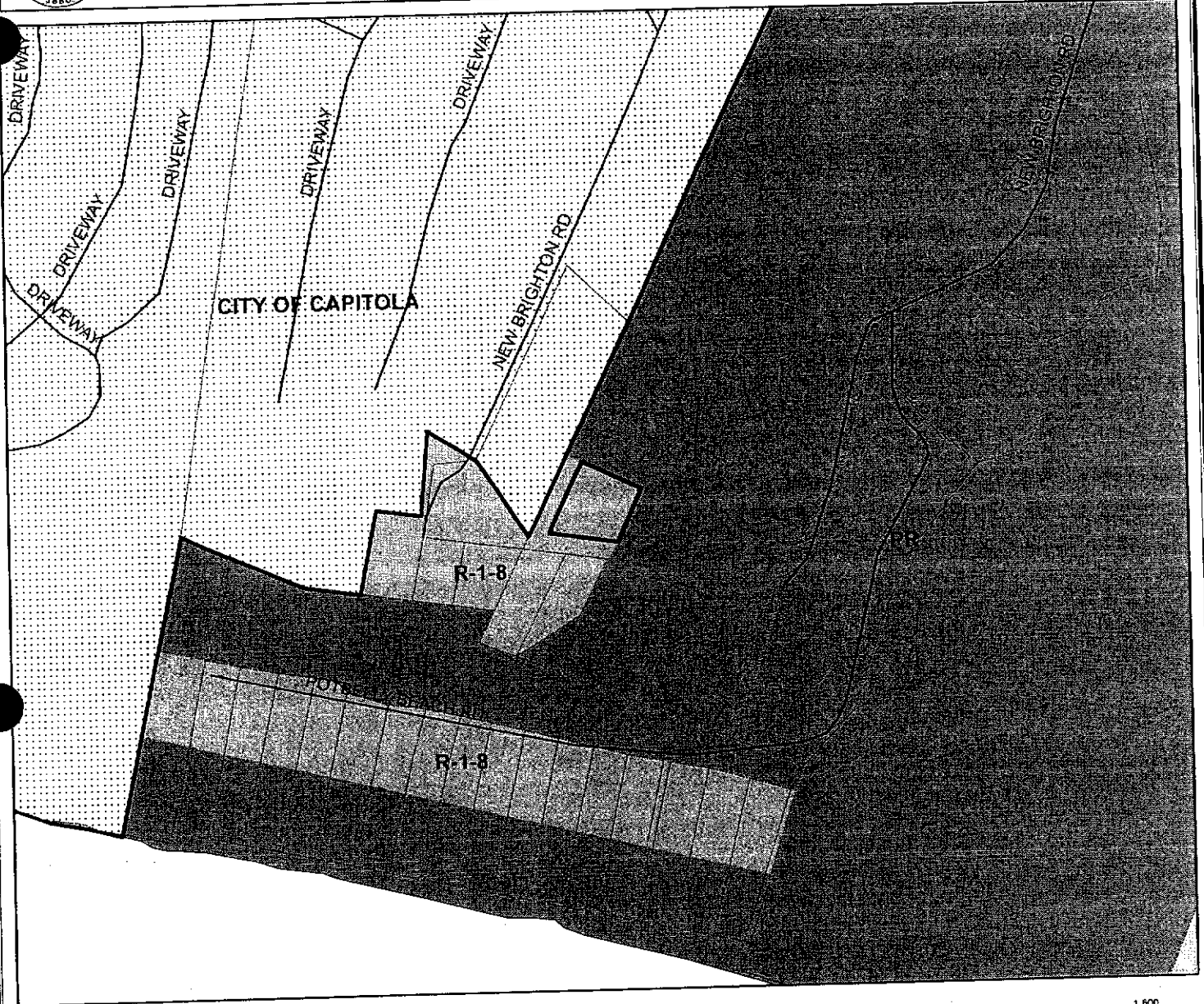


Map Created by
County of Santa Cruz
Planning Department
May 2007







EXHIBIT F

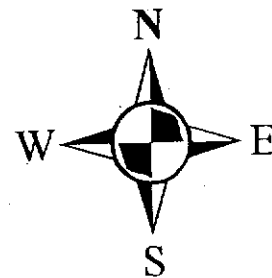


Zoning Map



Legend

-  APN 038-231-14
-  Assessors Parcels
-  Streets
-  City of Capitola
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)



Map Created by
County of Santa Cruz
Planning Department
May 2007

EXHIBIT G

FOR TAX PURPOSES ONLY

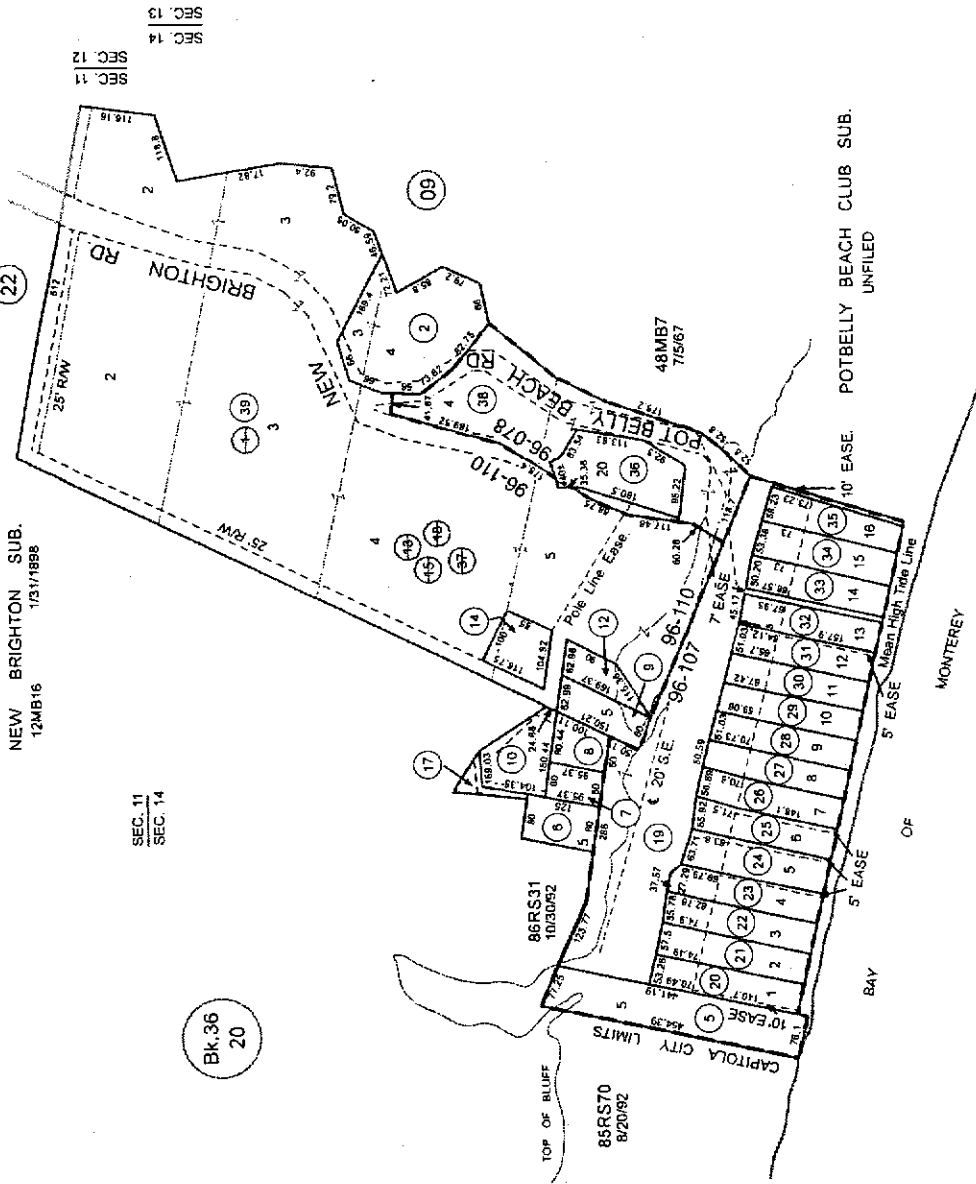
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SOQUEL RANCHO

POR. SECS. 11, 12, 13 & 14, T.11S., R.1W., M.D.B. & M.

38-23

Tax Area Code
96-078 96-107
96-110

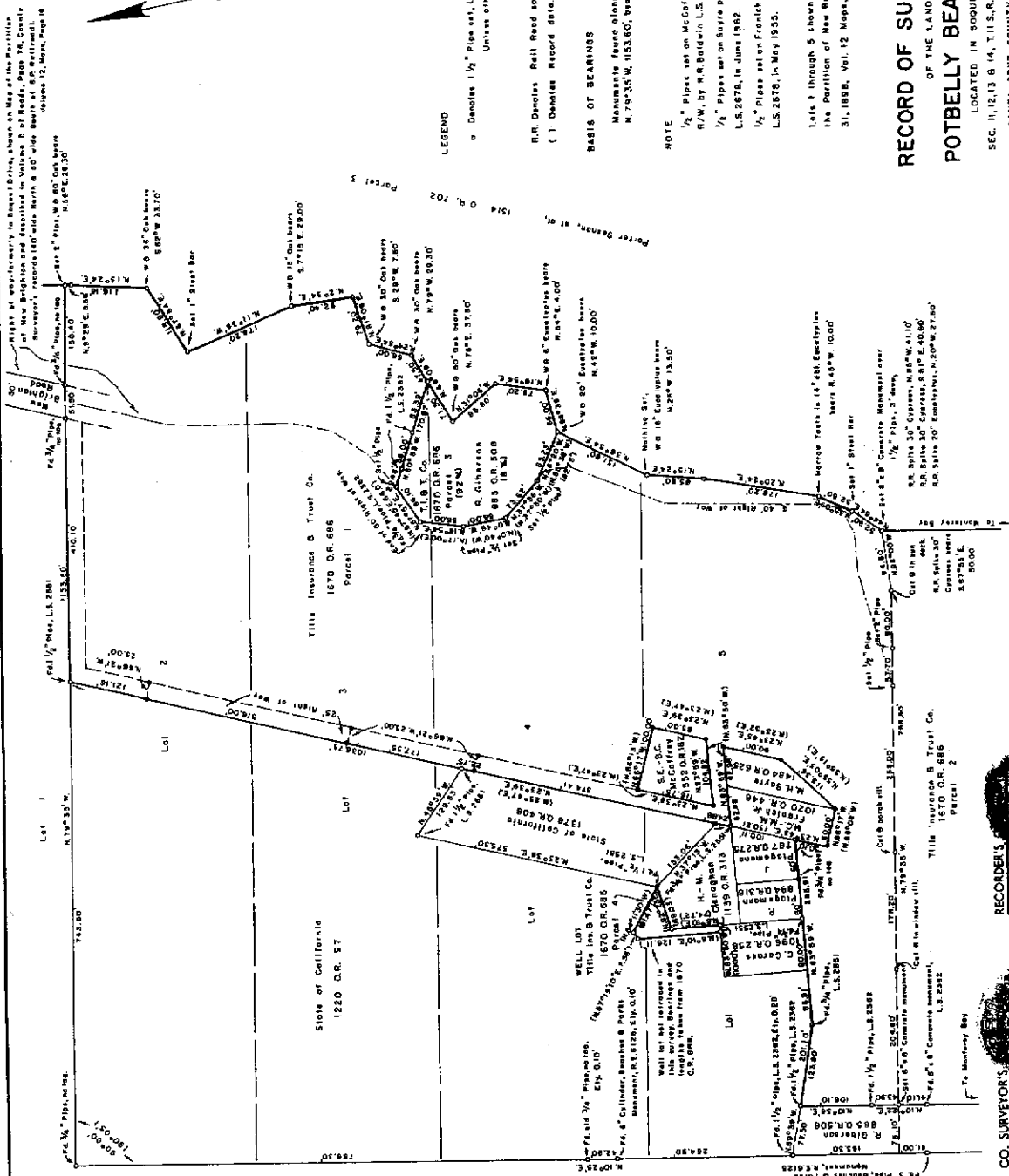


Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 38-23
County of Santa Cruz, Calif.
Nov., 1997

EXHIBIT H

Electronically Redrawn 11/19/97 with
Rev 5/4/98 KSA (CA)
Rev 5/1/98 GO (Cor. CA)
Rev 3/20/98 nd (water adjustment)



RECORD OF SURVEY MAP
OF THE LANDS OF
POTBELLY BEACH CLUB

LOCATED IN SOQUEL RANCHO
SEC. 11, 12, 13 & 14, T. 11 S., R. 1 W. M.D.B. & M. PROJ.
SANTA CRUZ COUNTY, CALIFORNIA

MAY 1967

ROBERT R. BALDWIN, L.S. 2678

RECEIVED SURVEYOR

50416 1" = 100'

371925 1" : 100'

SUBV. DIVISION
 This map contains information for use
 under any of the provisions of the
 of the Land Survey Act, 1900.
 Tanager, S. 1027732
 Mex. 1027732
 enclosed
 of Section 11235.
 (Signed and

CO. SURVEYOR'S OFFICE

RECORDER'S

100

EXHIBIT

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

Project Planner: Larry Kasparowitz
Application No.: 07-0189
APN: 038-231-14

Date: August 13, 2008
Time: 15:39:05
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON MAY 2, 2007 BY ANTONELLA GENTILE =====
Completeness comments by AG

1. Show the location and size of the the large cypress tree and the eucalyptus trees to the north and east of the proposed dwelling.

2. Submit a report from a certified arborist which states that the construction will not adversely affect the trees to remain onsite. This report should make recommendations for their protection during construction.

Please note that tree removal must be avoided on this parcel because of it's Sensitive Habitat designation and to comply with General Plan policy 6.3.4 regarding erosion control.

===== UPDATED ON OCTOBER 19, 2007 BY ANTONELLA GENTILE =====
No additional completeness comments.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MAY 2, 2007 BY ANTONELLA GENTILE =====
Misc. Comments -Compliance Issues by AG

No issues at this time.

Misc. Comments - Conditions by AG

1. A soils report prepared by a licensed geotechnical engineer will be required prior to building permit issuance. Submit 3 copies of this report for review by Environmental Planning staff.

2. Grading plans must show existing and proposed contours. Show grading amounts and calculations, including any overexcavation/recompaction.

===== UPDATED ON OCTOBER 19, 2007 BY ANTONELLA GENTILE =====
Additional compliance comments:

Removal of the Monterey cypress and the blue gum eucalyptus can be approved per arborist's letter dated 9/14/07. Avoidance of the monarch butterfly and replacement of removed trees will be required.

Additional conditions:

3. Arborist's recommendations for tree protection shall be stamped on the plans. Installation of protection methods shall be shown in plan view and details included where necessary.

4. A total of six replacement cypress trees (Santa Cruz or Monterey cypress) are required to be planted on this parcel prior to building permit final. Building permit plans should show the location and size for these replacement trees, as well as an

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 07-0189
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Date: August 13, 2008
Time: 15:39:05
Page: 2

irrigation method that will not cause erosion.

5. Removal of trees must occur between March 15 and September 15 to avoid impacts to the monarch butterfly.

6. An erosion control plan will be required prior to building permit issuance.

7. Include a note on the plans referencing the soils report and stating that all construction shall comply with the recommendations made in the report.

8. A plan review letter will be required from the soils engineer referencing the final revised building plans (after approval by all agencies) and stating that the plans conform to the recommendations made in the report. ===== UPDATED ON OCTOBER 22, 2007 BY ANTONELLA GENTILE =====
No additional comments

Dpw Drainage Completeness Comments

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

===== REVIEW ON MAY 4, 2007 BY ALYSON B TOM ===== Application with plans dated 4/3/07 has been received. Please address the following:

- 1) How much runoff is received onsite from upslope properties and how is the runoff to be controlled? Show (quantitatively, if necessary) that the proposed drainage plan is adequate in this respect.
- 2) How will runoff from the proposed gravel driveway be handled? Show clearly how the proposed driveway will tie into the existing AC driveway in the 25 foot right of way.
- 3) Show clearly the extent of the existing impervious areas and impervious areas to be removed on the project site.
- 4) This project is required to provide on site mitigations so that the pre development runoff rates are maintained. The proposed 15 foot deep pits are noted. How were these pits sized and designed? Are the soils in the area supportive of the proposed design? How will safe overflow be accommodated by these facilities? As proposed the retention system may be regulated by the EPA as a Class V injection well. The applicant/owner is responsible for meeting the EPA's requirements, if necessary. For more information see: <http://www.epa.gov/npdes/pubs/swclassvwellsfs.pdf>

All submittals should be made through the Planning Department. For questions regarding this review Public Works stormwater management staff is available from 8-12 M-F.
===== UPDATED ON SEPTEMBER 12, 2007 BY ALYSON B TOM ===== Application with plans dated 7/13/04 and letter from Richard Emigh dated 8/22/07 has been received. These documents describe that this site does not receive any upstream runoff, will discharge proposed runoff in multiple locations to vegetated areas and will result in minimal if any added impervious areas. See miscellaneous comments for issues to be addressed prior to building permit issuance.

Discretionary Comments- Continued

Project Planner: Larry Kasparowitz
Application No.: 07-0189
APN: 038-231-14

Date: August 13, 2008
Time: 15:39:05
Page: 3

Upw Drainage Miscellaneous Comments

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

===== REVIEW ON MAY 4, 2007 BY ALYSON B TOM ===== Zone 6 fees will be assessed on the net increase in impervious area due to the project.

===== UPDATED ON SEPTEMBER 12, 2007 BY ALYSON B TOM ===== Please address the following with the building permit submittal:

- 1) Show on the plans the upstream swales and other features that prevent offsite runoff from entering the subject site as described in the 8/22/07 letter.
- 2) Plans should show proposed locations for splashblocks and provide proposed grading information for the proposed driveway clearly describing proposed drainage paths consistent with the notes and letter dated 8/22/07.
- 3) The dates of the project plans should be updated.
- 4) Zone 6 fees will be assessed on the net increase in permitted impervious area due to the project. Per records for permit application No. 18633G from 1996 this site was permitted for 2,080 s.f. of impervious area. In order to receive any additional credit for existing impervious areas beyond the 2,080 s.f., documentation demonstrating permits, or installation prior to 1986 is required.

This review did not include review of the potential future detached shop referred to on sheet 5.

Environmental Health Completeness Comments

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

===== REVIEW ON MAY 8, 2007 BY JIM G SAFRANEK ===== Applicant's resubmitted septic appl was approved by EHS. Planning permit is approved.

===== UPDATED ON MAY 20, 2008 BY JIM G SAFRANEK ===== Still approved.

Environmental Health Miscellaneous Comments

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

===== REVIEW ON MAY 8, 2007 BY JIM G SAFRANEK =====
NO COMMENT

===== UPDATED ON MAY 20, 2008 BY JIM G SAFRANEK =====
NO COMMENT

INTEROFFICE MEMO

APPLICATION NO: 07-0189

Date: August 13, 2008

To: Lawrence Kasparowitz, Project Planner

From: Urban Designer

Re: Review of a new two- story single family dwelling at New Brighton Road, Aptos

ZONING COMMENTS:

Design Review Authority

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

Design Review Standards

13.20.130 Design criteria for coastal zone developments

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

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

Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A

Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Robert B. Hoffmann

Consulting Arborist

Established in 1987

735 San Juan Ave.
Santa Cruz, Ca. 95065

(831) 425-0347
email: thearborist.rh@gmail.com

**An Evaluation of Seven Trees Prior to Construction of a New
Structure at 114 New Brighton Road, Aptos, Ca. 95003**

Assignment: At the request of Richard Emigh, architect, I conducted a field visit on 9-11-07 at a future construction sight located at 114 New Brighton Rd., Capitola, Ca. The purpose of the field visit and this document is to project tree survivability during and after construction, offer suggestions to aid in the survival of the seven trees identified on the plans and to suggest removal if necessary of those trees which may suffer major damage during construction or be hazardous to the new building.

Observations: The projected building site currently has a structure on it. Some of the existing structure will, according to the plan set in my possession, be incorporated into the new building. The seven trees under discussion are five Eucalyptus globulus, "Blue Gum Eucalyptus" and two Cupressus macrocarpa, "Monterey Cypress." The largest tree on the site is a "Monterey Cypress", 48"D.B.H. and the smallest is a "Blue Gum Eucalyptus." 12 D.B.H. At the present time there are no layout stakes, strings or markers. Both "Cypress" cited for observation seem to be in marginal condition with thin crowns and evidence of branch loss. The larger of the two "Cypress" which stands at the southwest corner of the existing building, has a distinct lean in the direction of the projected new construction. The largest of the "Eucalyptus" under discussion is also at the south end of the existing building but at the eastern corner and 4" from the gutter of the building to which it grows in front of. There are four "Eucalyptus" on the east side of the building at approximately 12' from the existing structure and one more "Eucalyptus" on the northwest corner of the existing building at a distance of 20'. None of the trees appear to have had any maintenance in recent times. There is no high water usage landscaping in the construction area. The neighboring property to the east is totally without maintenance and has a high level of fire potential.

Conclusions: To address the County requirements, I can say that with the proper measures any of the seven trees noted on the map could survive the construction. The architect, Richard Emigh has assured me that the foundation would be a non-invasive grade beam type and no deeper into the ground than is the existing foundation. There is sufficient room to erect protective fencing and plenty of area surrounding the construction to store materials and equipment without intruding on the rooting of the trees under discussion.

Recommendations:

1. Even though the "Monterey Cypress", 48"diameter and the "Blue Gum Eucalyptus", 24"diameter, both on the south end of the new construction would easily survive the construction, I feel that they should be removed. The "Cypress" is leaning directly into the new building. That New Brighton area has had numerous uprooting and tree failings in recent years. The liability and potential hazard of the tree is too great to say that

failure will not happen. The "Eucalyptus" mentioned above is also a huge liability. At present it is several inches from the eaves of the existing building. With trunk protection, hay bales and hand excavation the roots of the tree would be largely undamaged. But again, there are many trees of that type in the area and if it fails the damage would be catastroph

2. The four trees on the eastern side of the proposed structure should be protected by a chain link fence, which should be placed as far from the trunks of the trees as possible. The exact distance from the tree line is to be determined and should be done when the perimeter of the building is laid out.
3. The remaining two trees should be protected a fashion similar to the trees in Item 2.
4. No construction debris, materials or equipment should be parked or placed with in the protective fencing areas.
5. If roots within the building area are found, they may be removed by equipment to within the final twelve inches of the excavating. That final twelve inches should be done by hand and the final cuts cleanly severed.
6. Should a footing be dug, the root edge of the excavation should be covered on the outside of the trench with burlap to separate them from the forms and concrete..
7. I am not suggesting the use of hay bales or trunk protection with snow fencing because I feel that there is sufficient room to protect the trees are on the east and north sides.. If the two trees to be removed should instead remain, then trunk protection and hay bales may be necessary
8. I am recommending that all broken branches and deadwood one inch diameter and bigger be taken out of the trees prior to the start of the project.
9. Do not thin, shape or reduce the height of the trees which will be onsite during and remain after construction. More foliage is better.

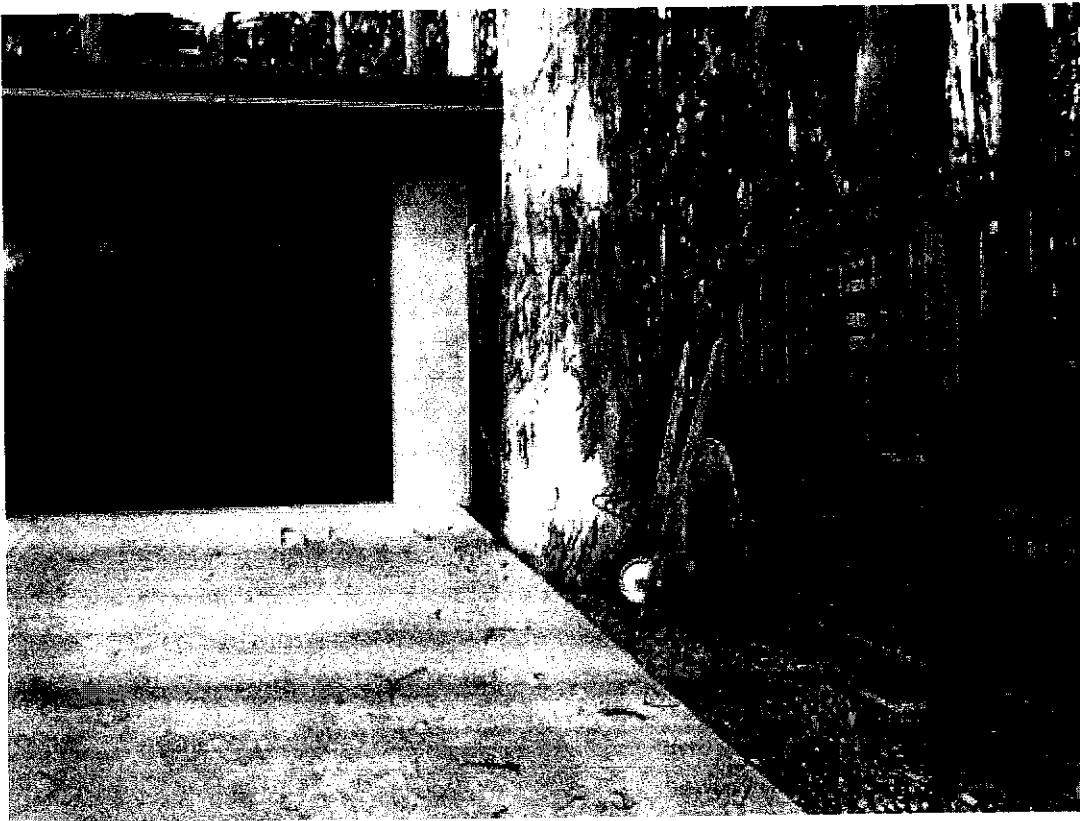
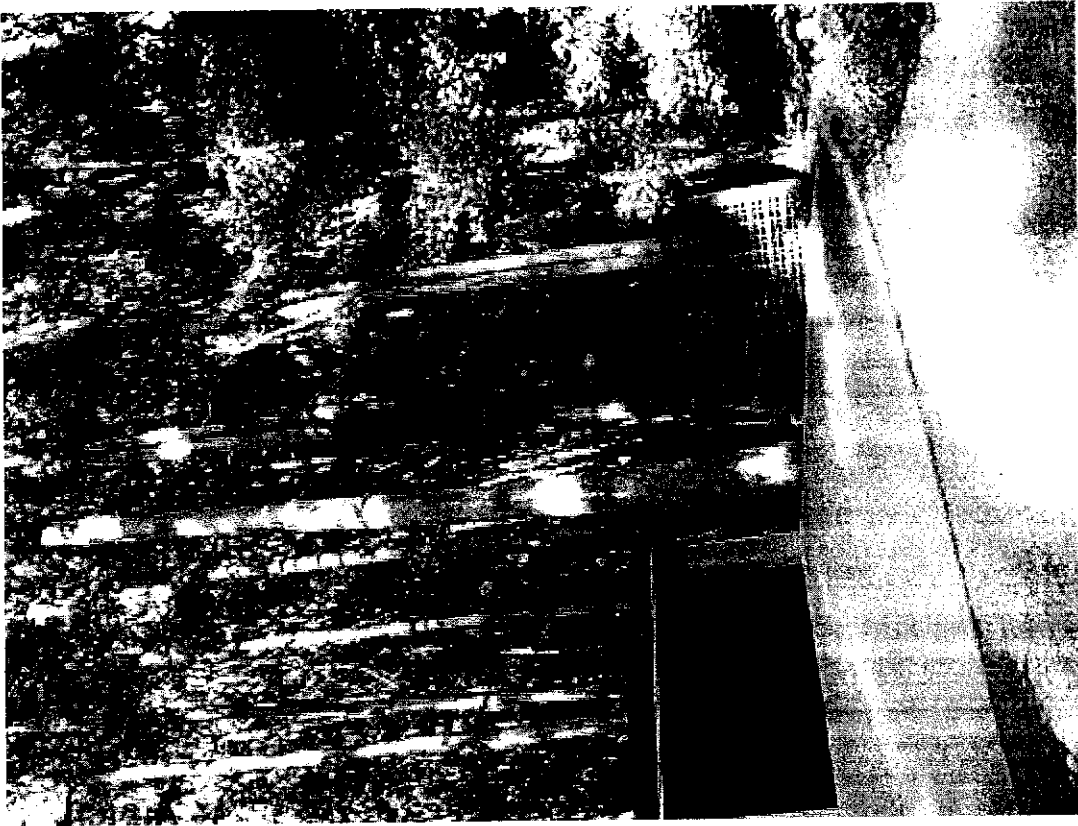
I would like to thank you for choosing the services of **Robert B. Hoffmann Consulting Arborist**. I would also like to wish the best with your endeavors.

Respectfully submitted,



Robert B. Hoffmann
W.C.I.S.A. Certified Arborist #306.
9-14-07







1/5

1-5-2008

CYPRESS TREE REMOVAL

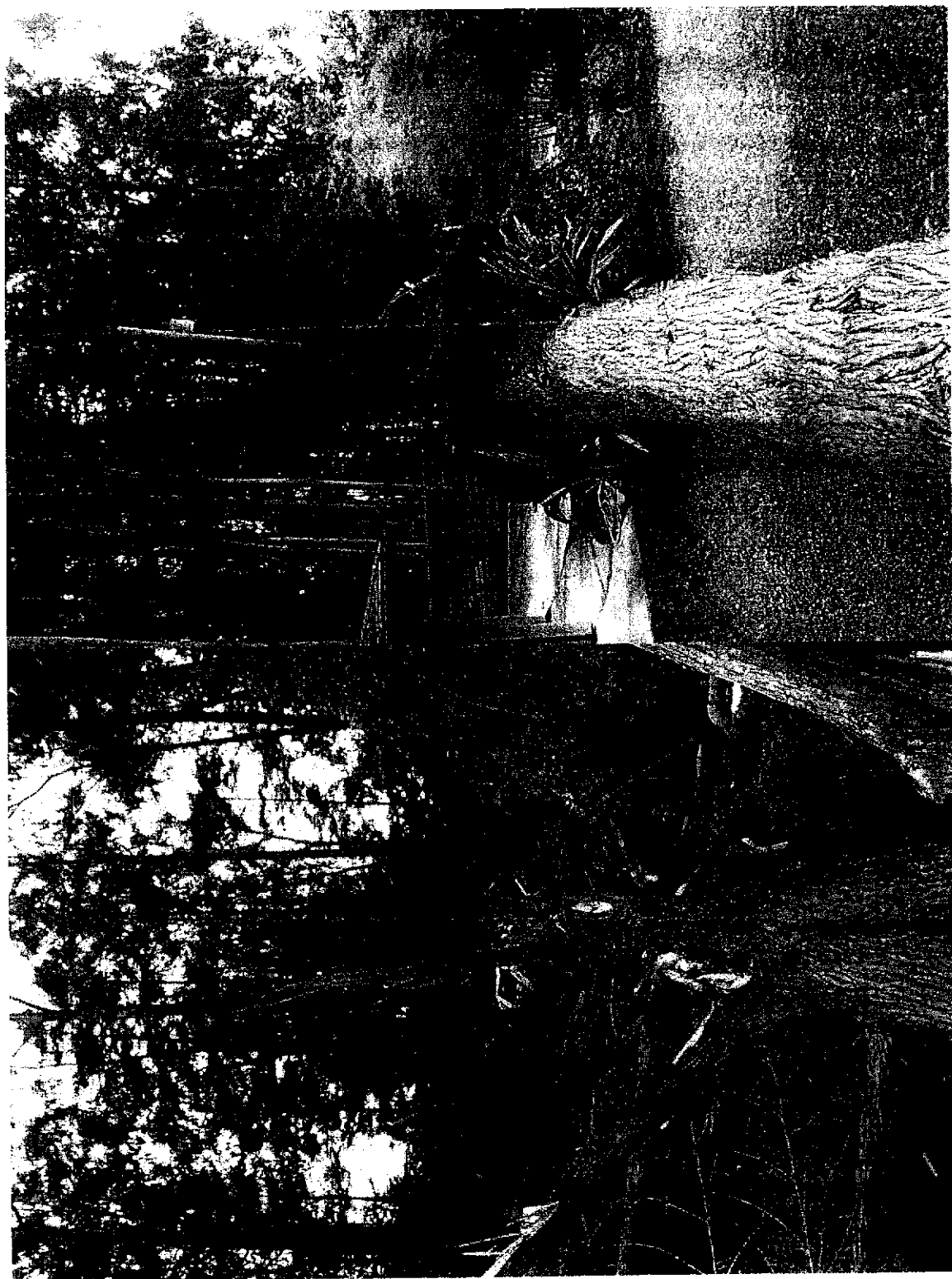
NO LONGER NEEDED --- THE
HIGH WINDS ON 1-4-2008 TOOK IT DOWN.

(SEE ARBORIST REPORT ON FILE &
LETTERS / E-MAIL ASKING FOR APPROVAL
TO APPLY FOR TREE REMOVAL PERMIT)



LOOKING NORTH ACROSS LOT & GARAGE

2/5

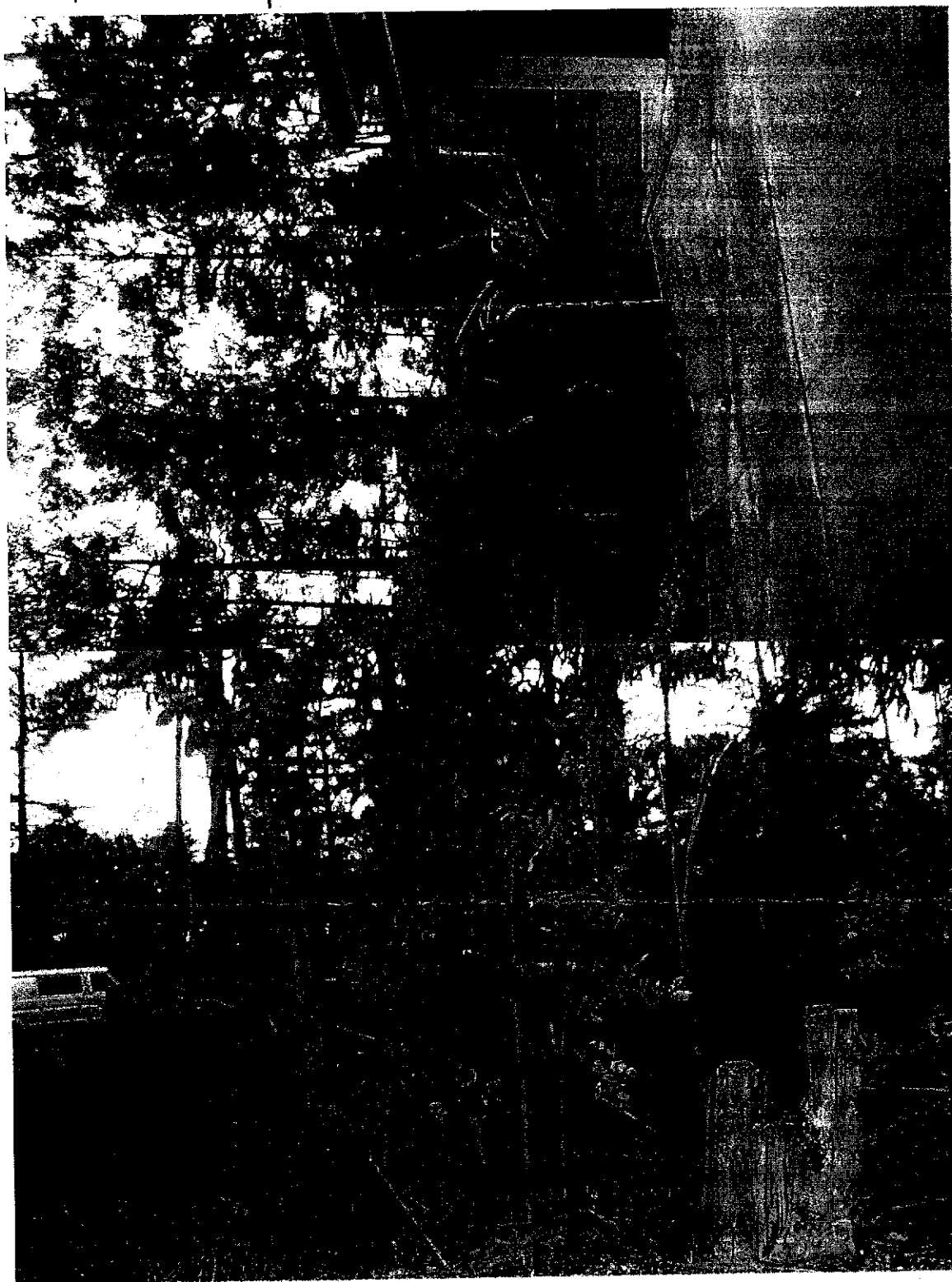


SUBJECT TREE LOOKING EAST

SUBJECT TREE LOOKING WEST

3/6-

TREE BY GARAGE



TREE IN STATE PARK

9/5

TREE IN STATE PARK



TREES IN STATE PARK NEXT (WEST) OF SITE

5/5

THE CAR IN STATE PARK HIT BY SITE TRUCK

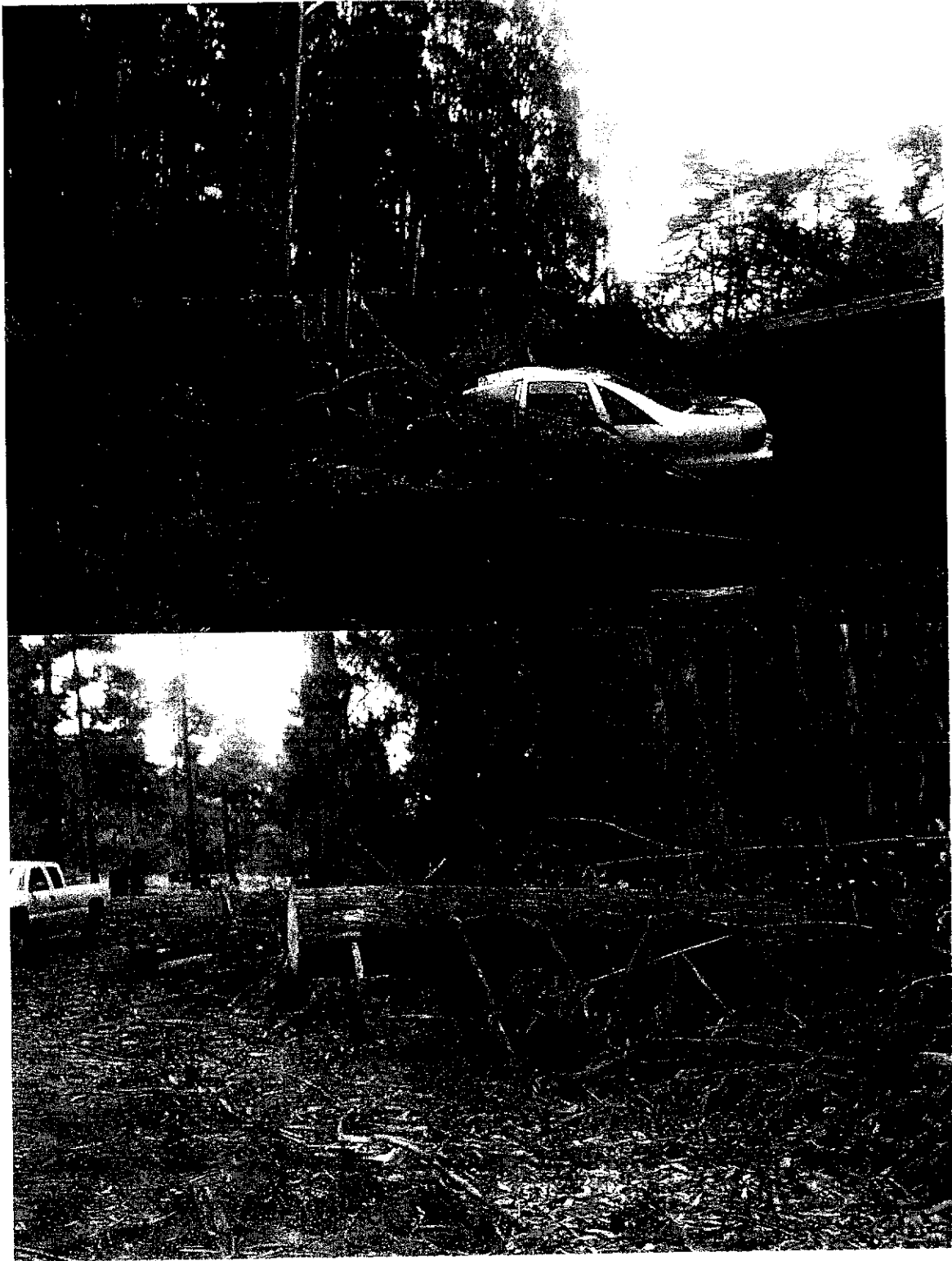
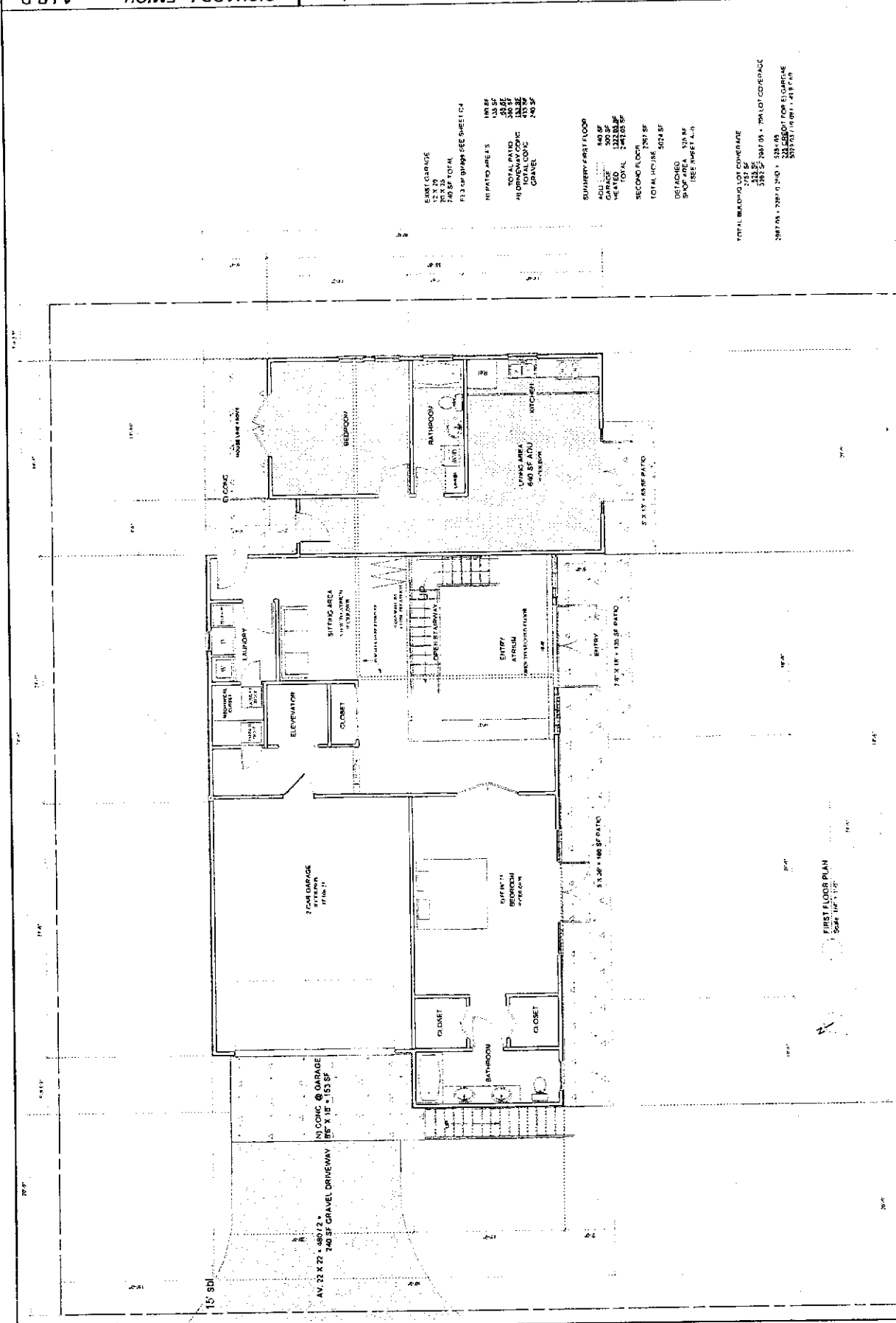


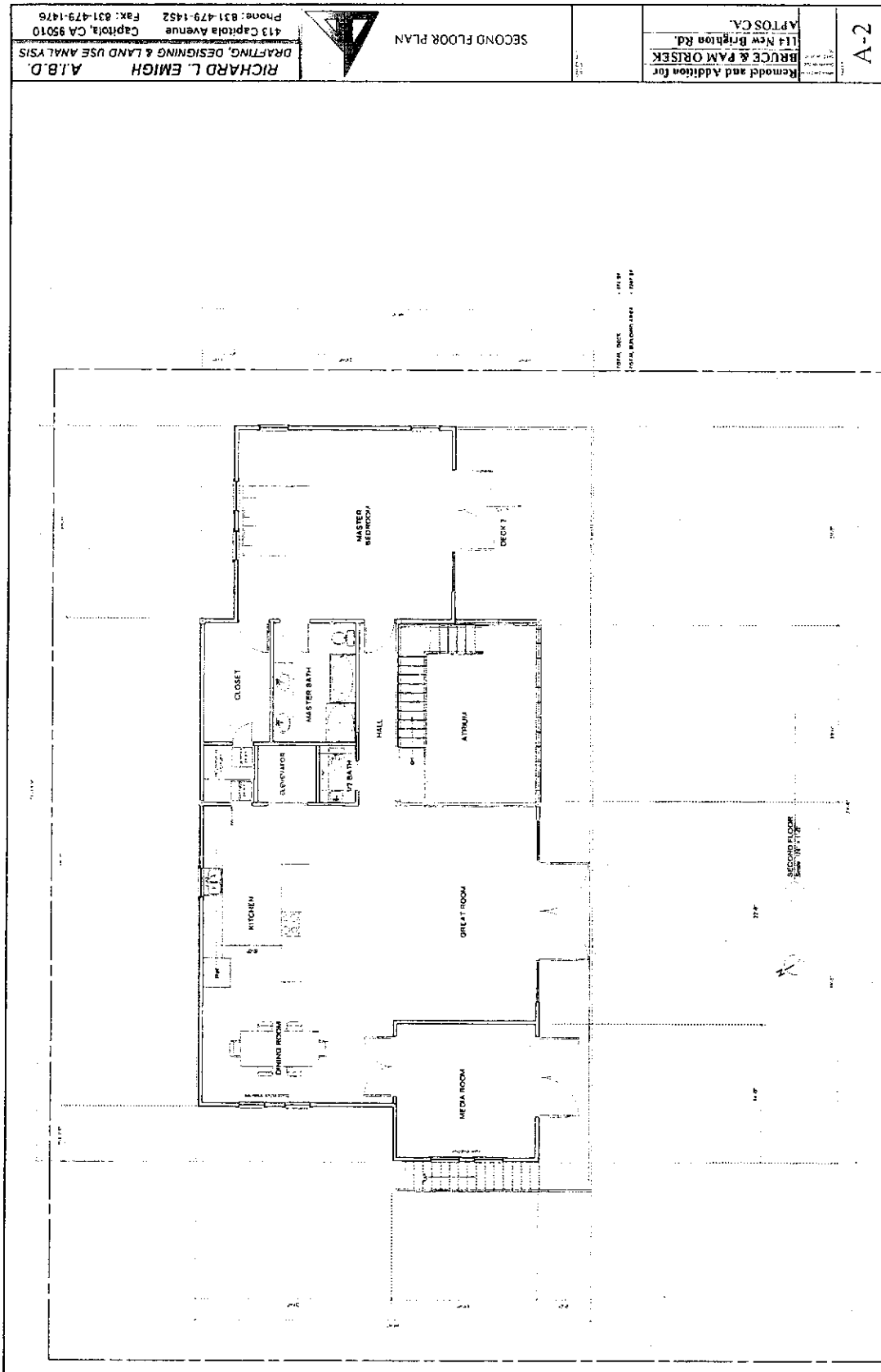
EXHIBIT N

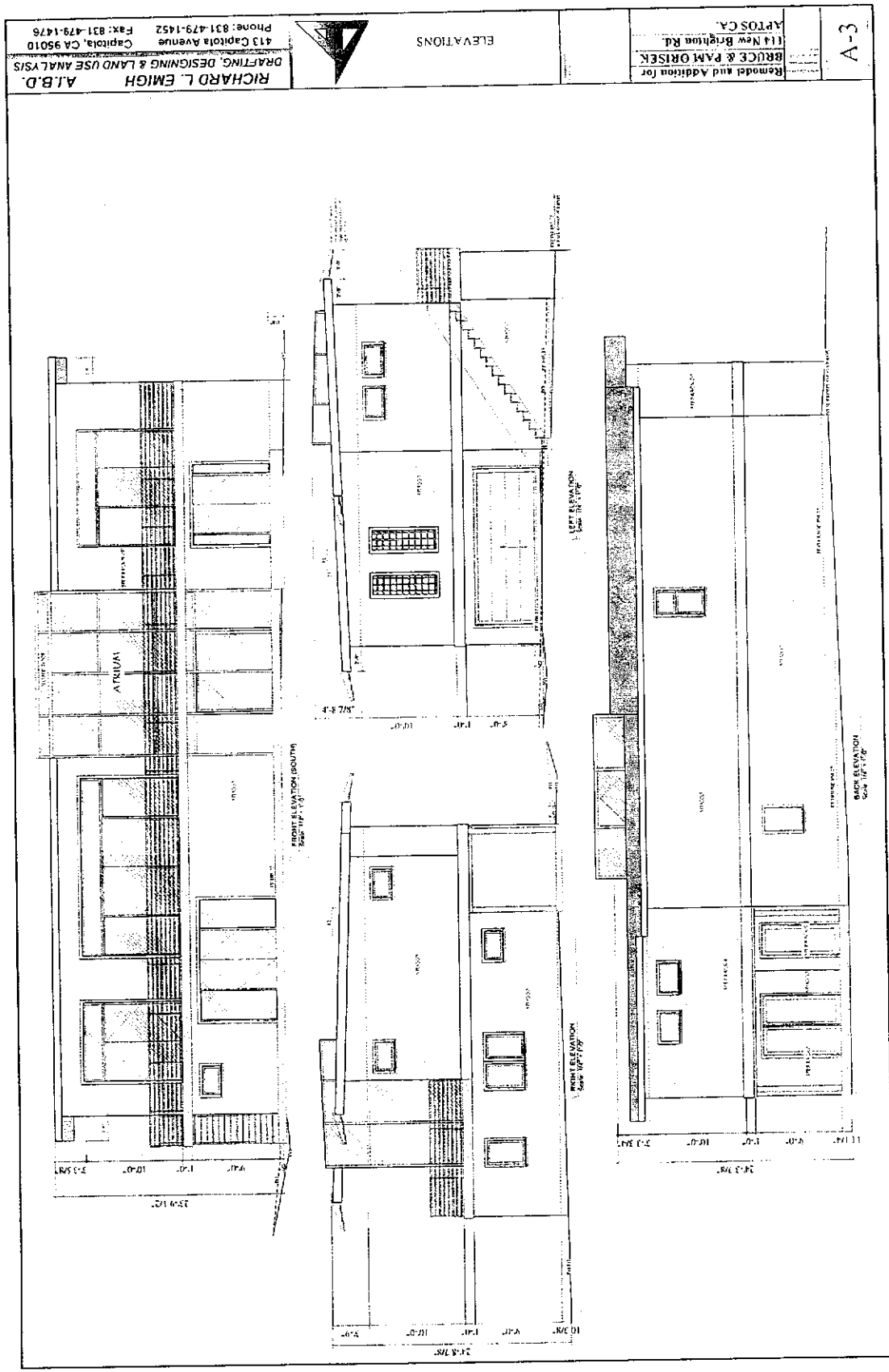


C-5		Remodel and Addition for BRUCE & PAM ORISEK 114 New Brighton Rd. APTOS CA.		ELEVATIONS OF EXISTING GARAGE		RICHARD L. EMIGH A.B.D. DRAFTING, DESIGNING & LAND USE ANALYSIS 413 Capitola Avenue Capitola, CA 95010 Phone: 831-479-1452 Fax: 831-479-1476	



1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
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A-3

Remodel and Addition for
BRUCE & PAM ORISEK
 114 New Brighton Rd.
 APTOS CA.

ELEVATIONS

RICHARD L. EMIGH
 A.B.D.
 DRAFTING, DESIGNING & LAND USE ANALYSIS
 413 Capitola Avenue
 Capitola, CA 95010
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