

## STAFF REPORT TO THE ZONING ADMINISTRATOR

**APPLICATION NO.:** 99-0787

**APN:** 042-222-02

**APPLICANT:** Paul Caprioglio

**OWNER:** Paul Caprioglio

**PROJECT DESCRIPTION:** Proposal to reconstruct and remodel an existing single family dwelling, to demolish an existing carport and construct a new garage within the required front yard setback, to construct a new upper mezzanine level and a master bedroom addition above the proposed garage, and to construct additions and cantilevered decks to the rear of the structure on the upper and lower floors of the existing residence.

Requires a Coastal Development Permit and a Variance. This proposal will amend Variance number 214-V, to further reduce the required 15 foot front yard setback and 20 foot minimum distance to a garage or carport entrance from approximately 3 feet to approximately 1 foot to the proposed garage, and to construct cantilevered side yard decks *to* within 2.5 feet of the north and south side property boundaries.

**LOCATION:** Property located on the west side of Highland Drive (222 Highland Drive); about 500 feet north of Rio Del Mar Boulevard.

**PERMITS REQUIRED:** Coastal Development Permit, Variance

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt - Class 3

**COASTAL ZONE:**  Yes  No

**APPEALABLE TO CCC:**  Yes  No

### PARCEL INFORMATION

**PARCEL SUE:** 7,674 square feet

**EXISTING LAND USE:**

**PARCEL:** Single family residence

**SURROUNDING:** Single family residential neighborhood

**PROJECT ACCESS:** Highland Drive (off Rio Del Mar Boulevard)

**PLANNING AREA:** Aptos

**LAND USE DESIGNATION:** R-UM (Urban Medium Density Residential)

**ZONING DISTRICT:** R-1-4 (Single Family Residential - 4,000 square foot minimum)

**SUPERVISORIAL DISTRICT:** 2

### ENVIRONMENTAL INFORMATION

- |                     |  |
|---------------------|--|
| a. Geologic Hazards | a. Steep slope to rear of residence                |
| b. Soils            | b. Report required as Condition of Approval        |
| c. Fire Hazard      | c. Not a mapped constraint                         |
| d. Slopes           | d. 5-15 % at building, 30-50+% at rear of property |

- |                       |    |   |
|-----------------------|----|---|
| e. Env. Sen. Habitat  | ê. | Not mapped/no physical evidence on site       |
| f. Grading            |    | No grading proposed – footing excavation only |
| g. Tree Removal       | g. | No trees proposed <b>to</b> be removed        |
| h. Scenic             | h. | Mapped scenic resource – Beach viewshed       |
| i. Drainage           | i. | Existing drainage adequate                    |
| j. Traffic            | j. | N/A   |
| k. Roads              | k. | Existing roads adequate                       |
| l. Parks              | l. | Existing park facilities adequate             |
| m. Sewer Availability | m. | Yes   |
| n. Water Availability |    | Yes   |
| o. Archeology         | o. | Mapped arch. resource – no report required    |

**SERVICES INFORMATION**

Inside Urban/Rural Services Line:  X  Yes N o  
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 Flood Control District

**HISTORY**

A variance approval (214-V) was granted for the existing residence prior **to** the original construction on September 22, 1961, which reduced the front setback requirement for the dwelling and the attached carport **to** approximately 3 feet from the edge of the right of way of Highland Drive. Additional improvements to the existing residence were proposed within the required front yard setback and to the rear of the existing structure and these improvements were reviewed and approved under development applications 92-0788, 95-0129, and 98-0093. The current proposal is to be reviewed as a new Coastal Development Permit and Variance application and is not **to** be considered as an extension of previous approvals. This project will be reviewed under the current ordinances now in effect.

**ANALYSIS AND DISCUSSION**

The subject property is a 7,674 square foot lot, located in the R-1-4 (Single Family Residential - 4,000 square foot minimum) zone district, a designation which allows residential uses. The proposed project consists of a reconstruction of an existing single family residence with additional living space which is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

**Variance Requests**

The proposed project includes two separate variance requests; a reduction in the required 20 foot minimum front yard setback and a reduction in the required 5 foot side yard setback on either side of the existing residence.

### Front Yard Setback

The current proposal requests a reduction of the required 20 foot front yard setback to approximately 1 foot. Previous variance approvals have granted a reduced setback to approximately 3 feet due to the increasingly steep slope away from the existing residence towards the rear of the subject property. The request for an additional reduction in the front yard setback will allow the creation of an enclosed two ~~car~~ garage in an area already used for vehicular parking purposes. The 40 foot wide right-of-way of Highland Drive is not fully developed and the proposed garage addition is adequately set back from the traveled roadway. Additionally, other residential improvements on adjacent properties are located within the required front yard setback and many of the surrounding properties have enclosed garages for vehicle parking. Taking all of these considerations into account, the request for a reduced front yard setback is considered as appropriate.

### Side Yard Setback

The current proposal includes cantilevered decking within the required 5 foot side yard setback. The cantilevered decking would encroach a total of 2.5 feet into the required 5 foot setback on either side of the existing residence. Such a cantilevered encroachment was allowed under previous zoning ordinances, but is no longer allowed without grant of a variance. As no special circumstance appears to exist that would necessitate cantilevered decks within the required side yard setbacks, the request for a reduced side yard setback is not considered as appropriate.

### **Mezzanine Level & Number of Stories**

The proposed project includes an upper mezzanine level which creates the appearance of a three story structure when viewed from the rear of the property. The total number of habitable floors at any point in the residence is no more than two, with the exception of a mezzanine level loft proposed above the main floor. The mezzanine level will be no more than 30 percent of the floor area of the room below, and staff recommends a condition that requires open railings not to exceed 36 inches in height on all sides that are not exterior walls of the proposed residence. Such a mezzanine level is allowed under County Code section 13.10.700-M and is not considered as a separate or additional story. The purpose of the proposed mezzanine level is to allow for access to the master bedroom suite above the proposed garage and will also provide an additional loft space for use as an office/bedroom.

### **Number of Bedrooms**

The existing residence was originally constructed with one bedroom, per County Assessor's records. The current proposal includes a total of five bedrooms with the lower level study and mezzanine loft included in the bedroom count, per County Code section 13.10.700-B. With the use of the rooms as currently labeled on the project plans, this proposal will result in the creation of four additional bedrooms.

## Scenic Issues

The proposed project is located within the beach viewshed and is visible from the public beach. As the proposed structure is located within a highly developed area and already exists as a two level structure, the additional visual impact of the proposed reconstruction and additions is somewhat reduced. To further reduce the potential visual impact of the proposed project, staff recommends the use of non-reflective glazing as a condition to mitigate potential visual impacts to the public beach viewshed below the subject property.

## Coastal Issues

The proposed addition is in conformance with the County's certified Local Coastal Program in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

## 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.

## RECOMMENDATION

Staff recommends:

1. **APPROVAL** of Application Number **99-0787**, based on the attached findings and conditions.
2. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

## EXHIBITS

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

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.

Report Prepared By: Randall Adams  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3218 (or, [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@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.

The property is zoned R-1-4 (Single Family Residential - 4,000 square foot minimum), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium 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.

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.

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 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; and although the development site is located on a prominent ridge it is surrounded by other residential development and non-reflective glazing will be used to mitigate the potential visual impact of additional windows facing the public beach viewshed.

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.

The project site is not located between the shoreline and the first public road. Consequently, the proposed 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.

The proposed project is in conformity 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. Additionally, residential uses are allowed uses in the R-1-4 (Single Family Residential - 4,000 square foot minimum) 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.

## 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 reduction in the 20 foot minimum front yard setback, to approximately 1 foot, is recommended due to the increasingly steep slope, traveling away from the roadway, to the west of the proposed site. The reduction previously granted for the existing dwelling and carport on the property was to reduce the minimum front yard setback to approximately 3 feet, and the current request for a variance allows for an enclosed garage to be constructed. The existing roadway is located within a 40 foot right-of-way and the proposed structure will be approximately 12 feet from the edge of the existing paved roadway. Application of the 20 foot minimum front yard setback in this case, would push the structure further into an area of steep slopes, creating a greater hazard to the users of the structure and causing more site disturbance, and would be inconsistent with previous variance approvals. The increasing incline of the slope in the area beyond the front yard setback is the special circumstance of the property.

~~Other~~ properties in the vicinity, while all constrained by the steep slopes found in the area, may have more developable area off of the steep slopes and, therefore, more options. Finally, many properties in the vicinity have enclosed garages and this application is a request to allow what is generally found on similar properties nearby.

The reduction in the required 5 foot side yard setback to allow the construction of cantilevered side yard decks does not appear to be necessary. The finding of special circumstance can not be made for the request to reduce the required 5 foot side yard setbacks.

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.

In this case, the applicant is requesting an exception to the requirement for the 20 foot front yard setback. The purpose of having a front yard setback is to allow for light, air and open space in the front yards of properties, to prevent sight distance problems for vehicles traveling along (or entering/exiting properties) roadways, and to create a semi-public area that provides the residential character of a neighborhood. In this case, granting of the variance will be in harmony with these intents, because the structure will be located approximately 12 feet from the existing roadway, providing light, air, and open space for the residents of the neighborhood and the users of the structure. Additionally, the right-of-way of Highland Drive is most likely much wider than will ever be fully utilized or improved as the neighborhood is fully developed.

Granting **of** the variance will not be materially injurious to public health, safety **or** welfare **or** to properties in the vicinity **for** the reasons mentioned above, and because the nature of the project is such that the structure's footprint will be approximately 12 feet from the existing roadway.

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,

The approval of the variance will not constitute a grant **of** special privilege as other properties in the neighborhood have enclosed garages, some **of** which have reduced distances to the roadway in response to steep slopes. Therefore, it would not be grant of a special privilege for the proposed project to be constructed on the property and the design would be in harmony with the existing homes in the neighborhood.

### **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.

The location of the proposed structure 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 in that the project is located in an area designated for residential uses. 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 residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure (as conditioned) meets all current setbacks, with the exception of the front yard setback, 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.**

The project site is located in the R-1-4 (Single Family Residential - 4,000 square foot minimum) zone district. The proposed location of the 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-1-4 zone district in that the primary use of the property will be one single family dwelling that meets all current site standards, with the exception of the front yard setback, for the zone district.

3. **THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.**

The project is located in the Urban Medium Density Residential (R-UM) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Urban Medium Density Residential).

The proposed 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 structure will not adversely shade adjacent properties, and will

meet current setbacks, with the exception of the front yard setback, for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed 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 structure will comply with the site standards for the R-1-4 zone district (including, 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.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is an existing single family dwelling on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be only 1 peak trip per day (1 peak trip per dwelling unit), as no net increase in the number of trips is expected, this project will not adversely impact existing roads and intersections in the surrounding area.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed residence 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 in the vicinity, in that the proposed structure is 2 stories, in a neighborhood of mostly two story homes and the proposed 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.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed addition 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.

## CONDITIONS OF APPROVAL

Exhibit A: Project plans entitled, "Paul E. Caprioglio Residence", 16 sheets, prepared by Donald Charles Stafford, Architect, dated November 1999, with various revisions through 2002.

- I. This permit authorizes the reconstruction of an existing single family residence, the construction of additions to the front and rear of the residence, and a variance to reduce the required 20 foot front yard setback to approximately 1 foot. 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, if required.
  - C. Obtain a Building Permit from the Santa **Cruz** County Building Official.
  - D. Obtain a Grading Permit ~~from~~ the Santa Cruz County Building Official, if required.
  - E. Obtain ~~an~~ Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - F. Obtain final water service approval from the Soquel Creek Water District.
  - G.** Obtain final sewer service approval from the Santa Cruz County Sanitation District.
  - H.** Pay the required fee for processing the Environmental Exemption to the Clerk of the Board. This fee is currently \$25 per exempted project, but is subject to change.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
- A. Submit proof that these conditions have been recorded in the official records **of** the County of Santa Cruz (Office of the County Recorder).
  - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
    - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.

2. Non-reflective glazing must be used in all exterior windows facing to the rear (west) of the subject property. Such non-reflective glazing must be clearly specified on the building plans for the proposed project. Failure to install non-reflective glazing in all rear (west) facing windows will be considered as a violation of the conditions of this permit.
  3. All interior walls of the proposed mezzanine room labeled as "LOFT DEN" on the approved Exhibit "A" for this permit must be no higher than 36 inches in height, with the exception of the closet proposed above and adjacent to the proposed staircase. Enclosure of these walls will result in the creation of a third residential story and will be considered as a violation of the conditions of this permit.
  4. The area labeled as "LOFT DEN" on the approved Exhibit "A" for this permit must not exceed 1/3 of the floor area of the living space below.
  5. The structure must be designed to comply with the maximum 28 foot height requirement of the zone district, as measured from existing or finished grade, whichever is the greater height. Accurate existing and proposed finish grades must be shown on the building plans.
  6. Grading, drainage, and erosion control plans, prepared by a licensed civil engineer to ensure stability of the slope to the rear of the subject property and to prevent potential soil erosion and storm-water drainage impacts to neighboring properties.
  7. Details showing compliance with fire department requirements.
- C. 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.
- D. Meet all requirements of and pay all required fees to the County Department of Public Works, Sanitation.
- 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 that includes a slope stability analysis of the slope below the project site.
- G. Pay the current fees for Parks and Child Care mitigation for 4 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for 4

bedroom(s). Currently, these fees are, respectively, \$667 and \$667 per bedroom.

- I. 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.
  - J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. Non-reflective glazing shall be installed in all of the rear (west) facing windows.
  - D. The project must comply with all recommendations of the approved soils reports.
  - E. 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.

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**Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the**

**applicant or staff in accordance with Chapter 18.10 of the County Code.**

**PLEASE NOTE: THIS PERMIT EXPIRES TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.**

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

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

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

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Don Bussey  
Deputy Zoning Administrator

Randall Adams  
Project **Planner**

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 99-0787  
Assessor Parcel Number: 042-222-02  
Project Location: 222 Highland Drive

**Project Description: Proposal to construct an addition to an existing single family dwelling.**

**Person or Agency Proposing Project: Paul Caprioglio**

**Contact Phone Number: (559) 222-9415**

- A.  The proposed activity is not a project under CEQA Guidelines Section 15378.
- B.  The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
- C.  **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D.  **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E.  **Categorical Exemption**

Specify type: Class 3. New Construction or Conversion of Small Structures (Section 15303)

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

Construction of an addition to an existing single family dwelling within an area designated for residential development.

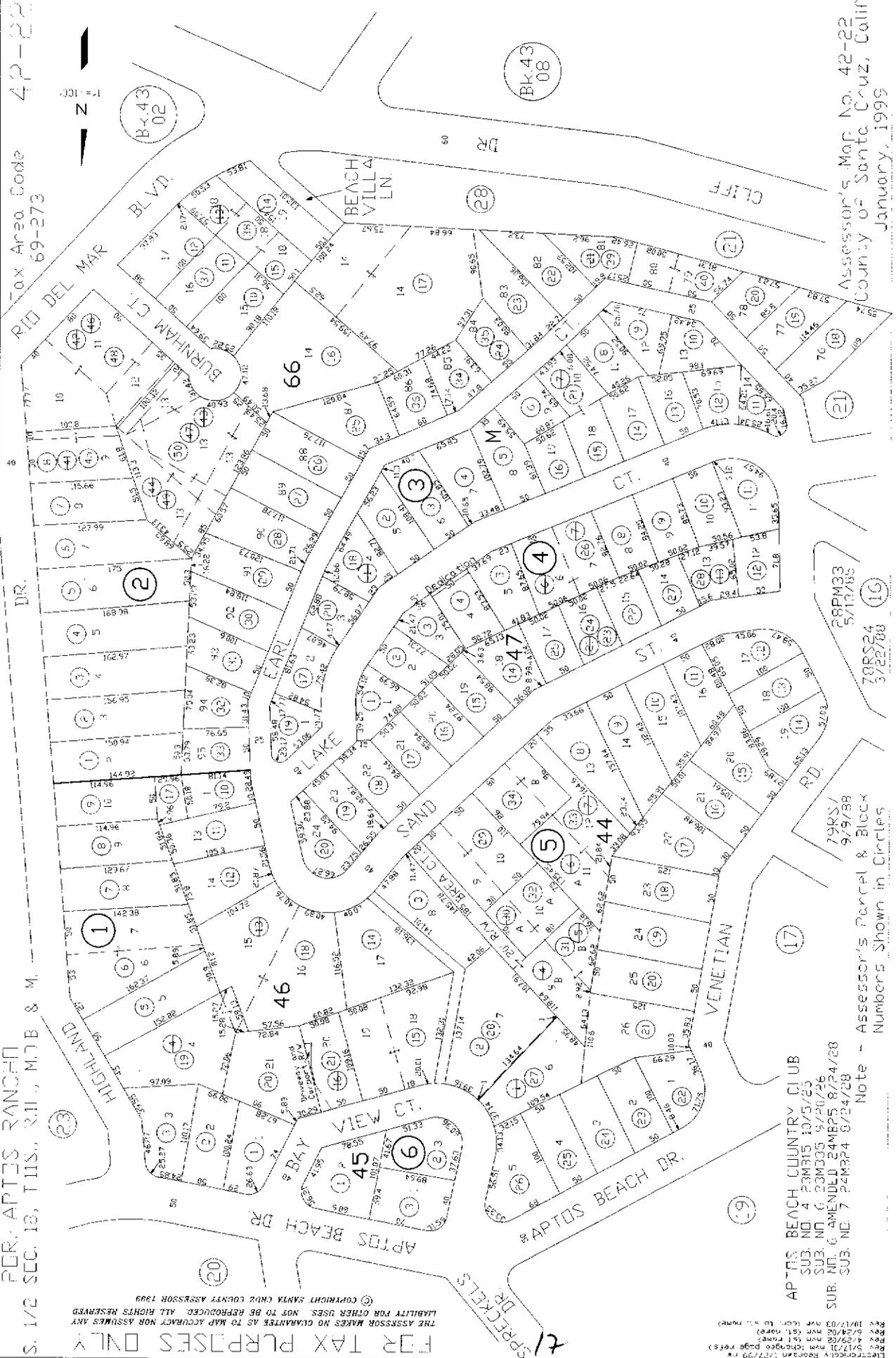
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Randall Adams, Project Planner

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

FOR TAX PURPOSES ONLY  
 S. 1/2 SEC. 13, T11S., R11, M1B & M1  
 PER: APTES RANCHO  
 Tax Area Code 42-22  
 69-273

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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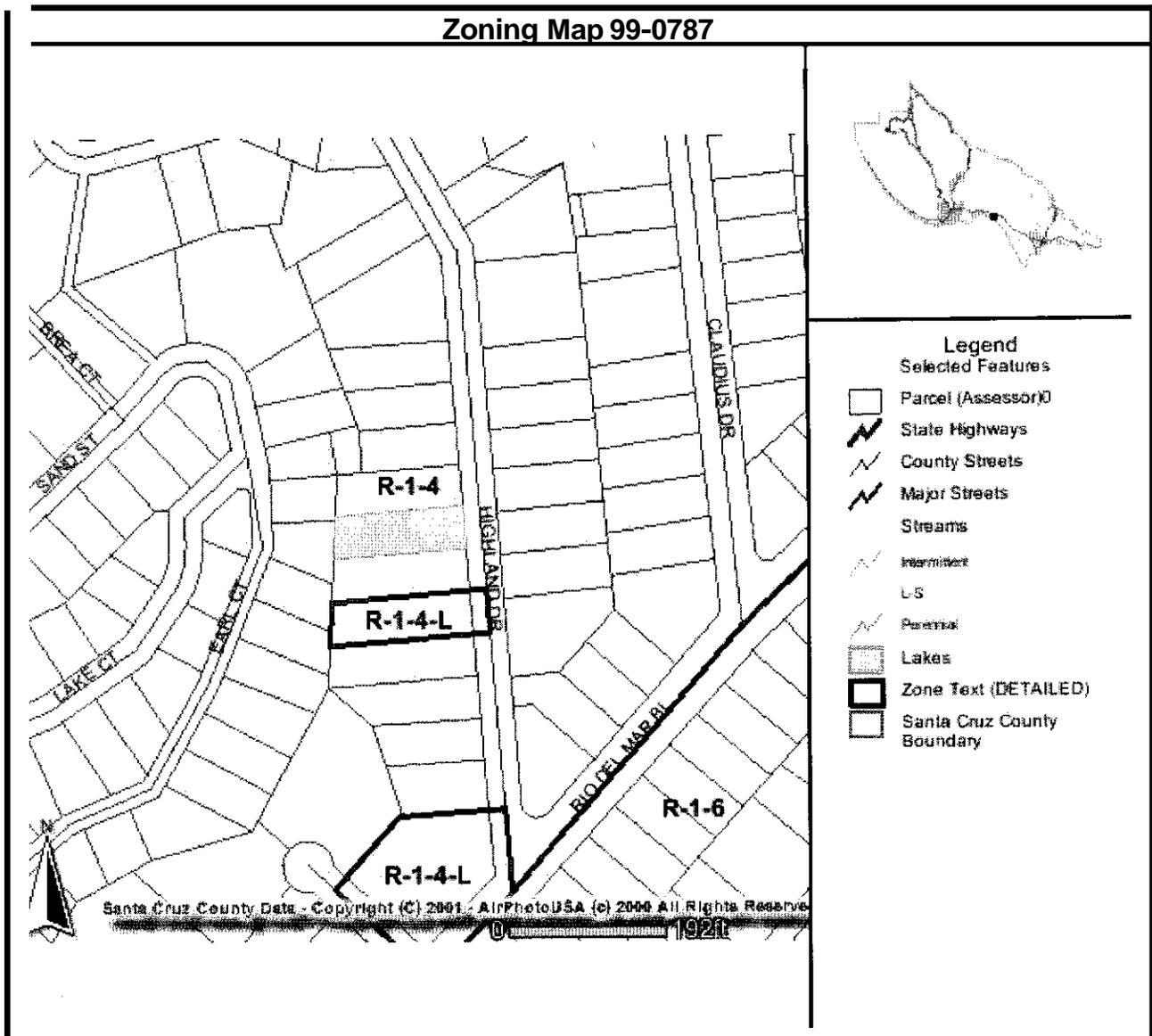


APTES BEACH COUNTRY CLUB  
 SUB. NO. 4 23MB35 10/5/25  
 SUB. NO. 6 23MB35 5/26/26  
 SUB. NT. 6 AMENDED 24MR25 8/24/28  
 SUB. NO. 7 24MB34 6/24/28

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

Assessor's Map No. 42-22  
 County of Santa Cruz, Calif  
 January, 1999

EXHIBIT E



C O U N T Y O F S A N T A C R U Z  
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Randal Adams  
Application No.: 99-0787  
APN: 042-222-02

Date: March 22, 2004  
Time: 14:26:34  
Page: 1

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Environmental Planning Completeness Comments

===== UPDATED ON MARCH 22, 2004 BY ROBIN M BOLSTER =====  
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEWED ON MARCH 22, 2004 BY ROBIN M BOLSTER =====

Prior to the submittal of a building application, the following issues must be addressed:

- 1) A soils report must be completed and two copies to the County for formal review by the County Civil Engineer. The soils report must include a slope stability analysis and must be prepared in accordance with the 1997 Santa Cruz County Guidelines for Geotechnical Reports
- 2) Following review and acceptance of the soils report, a plan review letter must be submitted from the soils engineer, which states that the final plans are in conformance with the recommendations made in the report prepared for the site.
- 3) A detailed erosion control plan must be submitted, which shows the locations and construction details for all proposed erosion control devices. Plan must include perimeter control measures (e.g. silt fence, straw rolls, etc.), surface erosion control (e.g. blankets, mulch, seeding, etc.) and construction entrance/exit treatment to prevent sediment from leaving the construction site.

Aptos-La Selva Beach Fire Prot Oist Completeness C

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

NO COMMENT

===== UPDATED ON JULY 30, 2002 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. Plans approved.

A 30 foot clearance will be maintained with non-combustible vegetation around all structures or to the property line (whichever is a shorter distance). Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided they do not form a means of rapidly transmitting fire from native growth to any structure are exempt.

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

NO COMMENT

Discretionary Comments - Continued

Project Planner: Randal1 Adams  
Application No. : 99-0787  
APN: 042-222-02

Date: March 22, 2004  
Time: 14:26:34  
Page: 2

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===== UPDATED ON JULY 30, 2002 BY ERIN K STOW =====  
NO COMMENT

Donald C. Stafford, A.I.A., Architect  
101 Via Soderini, Aptos, CA 95003  
408: 662-0472

February 10, 1998

Re: Request for Extension of  
Permit Number 95-0129  
Owner: Paul Caprioglio  
APN 042-222-02  
222 Highland Drive, Aptos

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

Attn: Darcy Houghton

Dear Ms. Houghton:

Your records will show that the variance for the front yard setback for this project was petitioned for in 1993 and granted on 7 June 1993.

The plans submitted for that front yard variance shared a rear yard 12'-0" wide by 45'-0" long deck which cantilevered 2'-6" into each of the 5'-0" side yards. This conformed to the existing ordinance which allowed cantilevered decks to project up to 50% into the side yards. Our find plan still shares the cantilevered rear deck projecting into both side yards. It also shows that on the new back yard addition the side yard ordinances of a 5'-0" south side yard and a 8'-0" north side yard setback are maintained.

Since this project was started in 1993 under the old ordinance and was approved at that time, it should continue to be granted the side yard 2'-6" cantilevered projections for the new rear deck.

Furthermore, the existing adjacent residence to the south enjoys the use of a 26'-0" wide by 40'-0" long deck that cantilevers a full 3'-0" into the side yard to within 1'-0" of Mr. Caprioglio's property. Also, this south side building has only a 4'-0" side yard rather than the 5'-0" maintained on the subject property. This fact alone should be sufficient reason for granting our request.

Finally, existing front street conditions and construction of the same south side residence were largely responsible for granting us the front yard variance in 1993.

We are including a copy of the final plans of the project for 222 Highland Drive (APN 042-222-02) for your review of the rear deck and other final design elements.

Sincerely yours,

Donald C. Stafford, Architect

cc: Paul Caprioglio

Darcy:

I was in and was given a copy of the views for the property at 222 Highland (from Lezanne) - Please send all Public Hearing Notices on this permit process to Marilyn C Roberson in care of me @ 14985 SW Melcan Ct Beaverton, Oregon 97007.

Thank you for your assistance

Sherry Roberson

503-641-0488 (Home)

503-805-5856

Karen Kerba  
225 Highland  
Aptos, CA 95003  
831-761-6912

September 7, 2002

To: Ms. Darcy Houghton  
Project Planner  
Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Re: Application # : 99-0787  
APN : 042-222-02  
Subject Property Address: 222 Highland, Aptos, CA 95003

Dear Ms. Houghton,

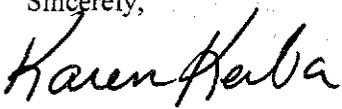
I recently acquired the property located at 225 Highland, Aptos 95003 and became aware of a development project application for the property right across the street from my property, submitted on 11/24/99. The Application mentioned above requested a variance on the set back and an increase in the total height of the current structure and the number of stories.

I hereby object to granting the requested variances and height increases for the following reasons:

1. The applicant is qualifying as a "basement" a structure that does not meet the requirements for such a definition per article 13.10.700-B-B of the planning and zoning regulations. Therefore that structure should be counted as a story and the total height of the property adjusted accordingly.
2. The development submitted plans show that the total height of the property will exceed the 28 ft maximum allowed by the planning and zoning regulations development standards, article 13.10.323 when measured in compliance with the article stipulated method of calculation.
3. The current height of the property as well as those of all the properties to the West of 222 Highland follow the topographic incline of the hill which enhances the beauty and harmony of the street. Allowing the height increase violates article 13.10.230 Variance approvals under (C) findings; item 2 and I quote "That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materialiy detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity."
4. That same quotation above applies to the variance request to build with almost no set back, thus eliminating any parking ability, causing visitors to the subject development property to park on the already narrow street, which may result in severe safety hazards that can only have a negative impact on the neighborhood.

In conclusion, I urge you to request the applicant to modify his development project taking into consideration the above mentioned concerns.

Thank you for your consideration and time.  
Sincerely,

 9/7/02

Karen Kerba