



## Staff Report to the Zoning Administrator

Application Number: **05-0653**

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Applicant: Leilani Vevang  
Owner: Michael and Connie Meltzer  
APN: 027-062-11

Agenda Date: 12/1/06  
Agenda Item #: **6**  
Time: After 10:00 a.m.

**Project Description:** Proposal to demolish a two-bedroom single-family dwelling and detached garage, and construct a one-bedroom single-family dwelling with an attached garage, including retaining walls exceeding five feet and stairs within the required front yard setback.

**Location:** Project located on the east side of Lago Lane, about 40 feet from the corner of Lago Lane and Lake Avenue (410 Lago Lane).

**Supervisory District:** Third District (District Supervisor: Mardi Wormhoudt)

**Permits Required:** Coastal Development Permit, Residential Development Permit and a Variance to allow the front ~~stairs~~ to extend into the front yard setback nine feet beyond the allowed six feet.

### Staff Recommendation:

- Certification that the proposal is exempt ~~from~~ further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0653, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	2,400 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Lago Lane
Planning Area:	Live Oak

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

minimum)  
Coastal Zone: X Inside       Outside  
Appealable to Calif. Coastal Comm. X Yes       No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Soils report submitted  
Fire Hazard: Not a mapped constraint  
Slopes: 50% slopes along frontage; -2% slopes for rest of parcel  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 230 cubic yards excavation, 60 cubic yards fill 170 cubic yards export  
Tree Removal: No trees proposed to be removed  
scenic: Not a mapped resource  
Drainage: Proposed drainage plan accepted by Department of Public Works  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

The existing single-family dwelling, which is 844 square feet, was constructed in approximately 1939. Since then, three discretionary permits have been issued for this parcel, none of which has been exercised. The **first**, Discretionary Application 85-1034-CZ\*1 V, allowed for the replacement of the existing single-family dwelling with a three-story dwelling and a variance to reduce the required 20-foot setback from the garage to the right-of-way to 17 feet. Discretionary Permit 89-0070\*2 allowed for a two-story room addition to the existing dwelling, including a variance to reduce two of the setbacks and increase the maximum allowed lot coverage and building envelope. The third **permit**, Discretionary Permit 90-0199, allowed for a roadside / roadway exception.

### Project Setting

The subject parcel is located within the Harbor Area Special Community, an area for which specific design criteria apply. This is a neighborhood in transition, with many of the original single-story vacation cottages being reconstructed as two-story dwellings used throughout the year.

Lago Lane is a one-way street running north to south. It merges with Lake Avenue about 40 feet south of the subject parcel. Across Lake Avenue to the west are commercial businesses and

parking lots serving the harbor. **North**, south and east of the subject parcel are residential uses

Currently, the parcel is developed with a small single-family dwelling which is nonconforming because it encroaches into the front and **north** side yards. In addition, the parcel is developed with an accessory dwelling and shed. A modular gravity retaining wall, most of which is located within the right-of-way, rises from street level to a height of about three and a half feet. No parking is provided on-site.

The current application proposes to demolish all three of the existing structures and replace them with a two-story single-family dwelling. Despite the subject parcel being just 2,400 square feet in area, no variances to setbacks, lot coverage or **floor** area ratio are a part of this proposal. However, a variance is requested to allow for the stairs leading to the front door to encroach nine feet beyond the allowed six feet. The project's parking requirement of two spaces will be provided on-site and all of the existing improvements will be removed from the right-of-way.

### **Zoning & General Plan Consistency**

The subject property is a 2,400 square foot lot, located in the R-1-3.5 (Single family residential-3,500 square feet minimum) zone district, a designation which allows residential uses. The proposed replacement single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UH) Urban High Density Residential General Plan designation.

### **Site Development Standards Table**

	<b>R-1-3.5 Standards</b>	<b>Proposed Residence</b>
<b>Front yard setback</b>	15 feet	15 feet
<b>Rear yard setback</b>	15 feet	15 feet
<b>Side yard setback</b>	5 feet / 5 feet	5 feet / 5 feet
<b>Lot Coverage</b>	40 % maximum	35 %
<b>Building Height</b>	28 feet maximum	27 feet 11 inches
<b>Floor Area Ratio (F.A.R.)</b>	0.5:1 maximum (50 %)	49.9 %
<b>Parking</b>	1 bedrooms = 2 (18' x 8.5') spaces	one space in garage one space in driveway

### **Variance**

A variance is requested as a part of this application in order to allow the stairs leading to the front door area to encroach nine feet into the front yard setback beyond the six allowed by County Code. This variance is considered appropriate for the following reasons.

Like many of the parcels in the area, the subject parcel slopes up from the right-of-way. From the property line to the front door (a distance of about 15 feet 4 inches), the parcel rises eight feet. Given this slope of about 50%, a staircase is needed to allow passage to the front door from the right-of-way.

Although an alternative design in which the nine feet of slope were graded to the elevation of the right-of-way might be feasible, it would be counter to the County's General Plan policy to minimize grading. In addition, any design that involves the stairs turning would reduce the already limited open space available to residents.

Given that many parcels are developed with stairs leading from the right-of-way to the front door, this variance would be in harmony with the existing pattern of development and not constitute a grant of special privilege.

Finally, despite the parcel being just 2,400 square feet, no other variances are requested as a part of this proposal. The project will meet the required setbacks, height limits, floor area ratio, lot coverage and parking requirement.

### **Harbor Area Special Community and Design Review**

County Code 13.20.144 identifies the Harbor Area as a special community and specifies the following design criteria.

New development in the single-family (R-1) parts of the Harbor Area Special Community shall incorporate the characteristics of older dwellings in the area, e.g., the small scale, clean lines, pitched roofs, wood construction, and wood siding. Setbacks should conform to that predominant for other houses on the street.

The proposed project has been reviewed by the County's Urban Designer and will have clean lines, a pitched roof and wood construction which comply with the Harbor Area Special Community design criteria. The house will be finished with a combination of scalloped shingles and horizontal siding painted "Swiss coffee" with "blue lake" for the trim (see Exhibit A for colorboard).

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as a partial second story, a mix of finish materials and architectural details such as gingerbread at the gable to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### **Local Coastal Program Consistency**

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

## **Basement**

This project proposes to construct a basement to provide parking and storage. Basements do not count towards the two-story limit for this area nor do they count towards floor area ratio (FAR) if the basement meets the following characteristics. County Code 13.10.700-B stipulates that to qualify as a basement, more than 50% of the basement exterior perimeter wall area must be below grade and no more than 20% of the perimeter exterior wall may exceed **5 feet 6 inches** above the exterior grade. The basement must be less than **7 feet 6 inches** in order for it to be excluded from FAR calculations.

The proposed basement meets these requirements except for the parking area which is over **8 feet** in height. However, since this area is the garage and is less than the allowed **225** allowed square foot garage deduction, this area would not count towards FAR regardless of the ceiling height. **As** a condition of approval the owner will be required to record a declaration to maintain the basement as a non-habitable space to ensure that the basement is not converted to habitable space.

## **Overheight Retaining Walls**

County Code limits the height of fences and retaining walls to three feet within the front yard setback. Because the garage and basement are subterranean, retaining walls in excess of five feet in height are necessary. These retaining walls will run perpendicular to Lago Lane and will thus have a much-reduced visual impact than would walls paralleling Lago Lane. To reduce the Visual impact of the retaining walls, they have been raked so that the portion closest to Lago Lane is only about two feet in height.

## **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 **05-0653**, 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](http://www.co.santa-cruz.ca.us)**

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## Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-3.5 (Single family residential - 3,500 square feet 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-UH) Urban High 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.

4. That the project conforms with the public access, recreation, and visitor-senring 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 dwelling 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-1-3.5 (Single family residential - 3,500 square feet 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.

## Development Permit Findings

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

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

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-3.5 (Single family residential - 3,500 square feet minimum) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district except for the variance requested to allow the front stairs to encroach nine feet into the front yard beyond the six feet allowed and the overheight retaining walls located within the front yard setback.

The proposed overheight retaining walls will pose no line of sight issue for vehicles exiting the property as the walls are raked so that the walls are just two feet in height closest to the Lago Lane frontage. The proposed retaining walls are perpendicular to Lago Lane and, as such, will have only a minimal visual impact on the surrounding neighborhood.

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 High Density Residential (R-UH) land use designation in the County General Plan.

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



The proposed single-family dwelling will not be improperly proportioned to the parcel size **or** the character of the neighborhood as specified in General Plan Policy **8.6.1** (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling will comply with the site standards for the R-1-3.5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

**This** finding can be made, in that the proposed single-family dwelling is to be constructed on an existing residentially-zoned lot. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

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

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

This finding can be made, in that the proposed single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce **or** visually impact available open space in the surrounding area. In addition, the proposed retaining walls will have only a minimal visual impact on the neighborhood as they are just two feet closest to the Lago Lane frontage and are perpendicular to Lago Lane.

## 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.

A variance is requested as a part of this application in order to allow the front staircase to extend into the front yard setback beyond the six feet allowed by County Code 13.10.353(e)(1). This variance is considered appropriate for the following reasons.

Because the subject parcel has an approximately 50% slope between the right-of-way and the proposed location of the front door, a staircase is needed to convey pedestrians from the right-of-way to the front door area. An alternative design in which the slope is graded flat beyond the six feet, would be contrary to the intent of General Plan Policy 6.3.9 (Site design to minimize grading) which seeks to minimize grading.

In addition, the subject parcel is just 40 by 60 feet, or 2,400 square feet. Of the 600 square feet which constitute the front yard setback, approximately 255 square feet are taken up by the driveway which is required to provide on-site parking. An additional 162 square feet are consumed by the areas of 50% slope, leaving only about 250 feet to accommodate a staircase and open space. Given this constrained site, any staircase design which stays within the allowed six foot encroachment, would require the stairs to turn. Since the stairs cannot turn to the south where the driveway is, they would be required to turn to the north which would significantly reduce the available open space.

The building code requires stairs to have a rise of between 4 and 8 inches with a minimum tread size of 9 inches. The recommended standard is a rise of 7 inches and a run of 11 inches. Given these constraints, if the stairs were to remain within the allowed six-foot encroachment, it would be forced to turn and take up approximately 70 square feet of the limited open space.

Finally, properties in the area which are similarly sized and have similar front slopes have staircases leading directly from the right-of-way to the front door area. Therefore, the proposed variance would not constitute a grant of special privilege as numerous properties in the area have similarly designed front stairs.

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 project as proposed with a variance will be in harmony with the general intent and purpose of the County's zoning objectives. The project will comply with all the zoning ordinances except 13.10.323(e)(1) which limits stairs from encroaching beyond six feet into the required front yard setback.

The proposed addition will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity the stairs will end at the property line,

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Owner: Michael and Connie Meltzer

leaving approximately nine feet to the white line which demarcates the edge of the traveled roadway. As such, the proposed stairs will pose no line of sight barrier, nor will the stairs be an obstruction to pedestrians or vehicles.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that properties in the area which are of a similar size and have a similar slope along the property frontage have stairs leading from the right-of-way to the front door. Therefore, the granting of this variance would not constitute a grant of special privilege.

## Conditions of Approval

Exhibit A: 8 sheets, architectural drawings, by Kevin and Leilani Vevang, revised 9/13/06; 1 sheet, Topographic survey, by Robert DeWitt, dated 7/18/05; 4 sheets, Ifland Engineers, Inc. dated 8/23/06.

- I. **This** permit authorizes the construction of a single-family dwelling with stairs located within the front yard setback which encroach nine feet beyond the six allowed and overheight retaining walls located within 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. Contact the Monterey Bay Unified **Air** Pollution Control District prior to demolishing the house and accessory structure to determine whether asbestos mitigation is required.
  - C. Obtain a Sewer Lateral Abandonment Permit prior to the issuance of any demolition permit.
  - D. Obtain a Demolition Permit from the Santa Cruz County Building Official, including a Special Inspection of the existing dwelling to determine whether the structure is suitable for relocation.
  - E. Obtain a Grading Permit from the Santa Cruz county Building Official.
  - F. 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. 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. Show the portion of the northern front deck which is greater than 18-inches in height as removed. No portion of this front deck may exceed 18-inches in height.
  3. Show trailing landscaping or vines planted along the Lago Lane front retaining wall to soften the appearance of the wall. These plants must be approved by the County's Urban Designer.
  4. Show the southern front staircase as removed.
  5. Final plans shall reference the Geotechnical Investigation by Haro, Kasunich and Associates dated December 8, 2005 and include a statement that the project shall conform to the report's recommendations.
  6. New trees planted in the front and side yards shall be a minimum of 15-gallons in size.
  7. Grading, drainage, and erosion control plans.
  8. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, 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.
  9. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- C. Submit a plan review letter by the author of the project soils report (Geotechnical Investigation by Haro, Kasunich and Associates dated December 8, 2005). The letter shall state that the project plans conform to the report's recommendations and that the author approves of the final drainage plan.
- D. 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.
- E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

- F. Pay the Santa Cruz Municipal Utilities water service fee.
  - G. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - H. Provide required off-street parking for 2 cars. Parking spaces must be 8.5 feet wide by **18** feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - I. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - J. Complete and record a Declaration of Restriction to construct the basement as a non-habitable accessory structure. **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 attorneys fees and costs; and
  2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. **When** representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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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 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

\_\_\_\_\_  
Annette Olson  
Project **Planner**

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



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 05-0653

Assessor Parcel Number: 027-062-11

Project Location: 410 Lago Ln.

Project Description: Proposal to demolish an existing single-family dwelling and replace it with a new single-family dwelling and stairs and overheight retaining walls within the front yard setback.

Person or Agency Proposing Project: Leilani Vevang

Contact Phone Number: (831) 464-1281

- 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 2 - Replacement or Reconstruction (Section 15302)

- F. Reasons why the project is exempt:

Reconstruction of a single-family dwelling in an area designated for residential uses.

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

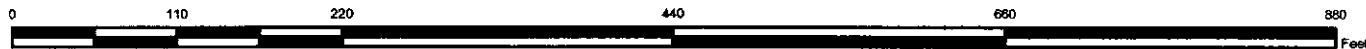
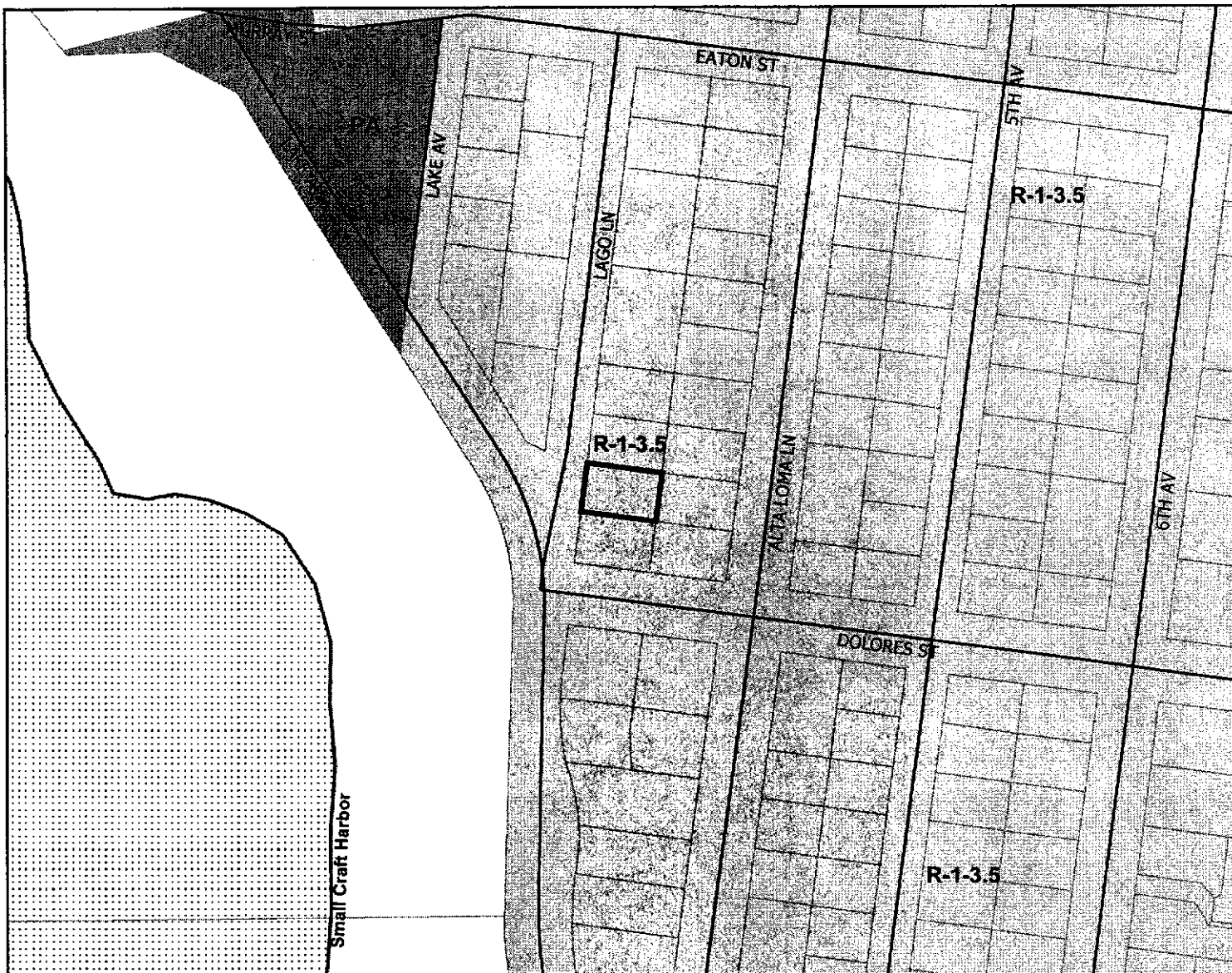
  
Annette Olson, Project Planner

Date: 10/31/06



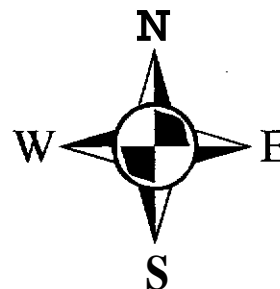


# Zoning Map



## Legend

- APN 027-062-11
- Streets
- Assessors Parcels
- Lakes
- RESIDENTIAL-SINGLE FAMILY (R-1)
- COMMERCIAL-PROF OFFICE (PA)



Map Created by  
County of Santa Cruz  
Plannina Department  
October 2005

EXHIBIT F

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: Annette Olson  
Application No. : 05-0653  
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**Environmental Planning Completeness Comments**

===== REVIEW ON OCTOBER 25, 2005 BY JESSICA L DEGRASSI =====  
Please submit the referenced soils report by Haro Kasunich for formal review

It appears there will be grading off the property. Please either revise, submit an owner agent form or obtain an encroachment permit from the dept of public works.

Prelim grading looks ok. ===== UPDATED ON OCTOBER 25, 2005 BY JESSICA L DEGRASSI

===== UPDATED ON JUNE 12, 2006 BY KENT M EDLER =====

The soils report was accepted on 06-05-06. The grading plans by Ifland are complete and ok.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON OCTOBER 25, 2005 BY JESSICA L DEGRASSI =====  
No winter gradin allowed for this project.

Please note that a plan review letter from the soils engineer will be required at building permit stage.

Please also include an erosion and sediment control plan, which shows how you will prevent sediment from leaving the site.

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON OCTOBER 28, 2005 BY ALYSON B TOM ===== Application with plans dated 10/3/05 has been received. Please address the following:

1) More information is needed about the drainage patterns in the watershed area containing the subject parcel. How much runoff is received onsite from upslope properties and how is this runoff to be controlled and accomodated? This project is required to accomodated existing upstream drainage. The fill notes indicate spreading material at a 2 1/2 foot depth in the yard areas. Demonstrate that this fill will not block any existing upstream drainage.

2) This project is required to minimize impervious surfaces and to maintain existing runoff rates. Please consider the following in order to meet this requirement: eliminate unnecessary paving. send runoff from roof and paved areas to onsite landscaped areas rather than hard piping directly offsite, utilize pervious surfacing or decking in place of impervious surfaces, etc. The proposed plan to hardpipe all roof, site and foundation drains off site is not acceptable.

3) An encroachment permit is required for all work in the County road right of way. Private drainage facilities should not be installed in the road right of way.

Discretionary Comments - Continued

Project Planner: Annette Olson  
Application No.: 05-0653  
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All submittals for this project should be made through the Planning Department. For questions regarding this review Public Works storm water management staff is available from 8-12 M-F.

===== UPDATED ON JUNE 13, 2006 BY ALYSON B TOM ===== Application with civil plans dated 5/10/06 has been received. Please address the following:

1) Previous comment No. 1 has not been addressed. Does this site receive runoff from the property to east? If so, how will the proposed grading accomodate this runoff?

2) If feasible, the proposed driveway should be made with a pervious material in order to minimize proposed impervious area. Will the ground below the front deck be left pervious?

===== UPDATED ON SEPTEMBER 26, 2006 BY ALYSON B TOM ===== Application with Preliminary Drainage Study from Ifland Engineers dated August 2006 and civil plan sheets dated 8/23/06 has been received. The application is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues to be addressed prior to building permit issuance.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON OCTOBER 28, 2005 BY ALYSON B TOM ===== The following should be addressed prior to building permit issuance:

1) Provide a final review letter from the project geotechnical engineer approving of the final drainage plan.

2) Zone 5 fees will be assessed on the net increase in runoff due to this project (including impervious areas on and off site).

===== UPDATED ON JUNE 13, 2006 BY ALYSON B TOM ===== Please address the following in addition to previous miscellaneous comments prior to building permit issuance.

1) Sheet 3 labeled topographic map is not to the scale labelled on the sheet. Please provide a sheet that is to scale.

===== UPDATED ON SEPTEMBER 26, 2006 BY ALYSON B TOM ===== Please address the following in addition to the miscellaneous comments from 10/28/05 prior to building permit approval:

1) The proposed driveway and rear patio areas should be made of pervious or semi-pervious materials if feasible.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON OCTOBER 20, 2005 BY DEBBIE F LOCATELLI =====  
===== UPDATED ON JUNE 5, 2006 BY DEBBIE F LOCATELLI =====  
No further comments.

Dpw Driveway/Encroachment Miscellaneous Comments

## Discretionary Comments - Continued

**Project Planner:** Annette Olson  
**Application No. :** 05-0653  
**APN:** 027-062-11

**Date:** October 30, 2006  
**Time:** 09:41:58  
**Page:** 3

===== REVIEW ON OCTOBER 20, 2005 BY DEBBIE F LOCATELLI =====

Driveway to conform to County Design Criteria Standards.

Encroachment permit required for all off-site work in the County road right-of-way, to be obtained at the time of building permit application.

===== UPDATED ON OCTOBER 20, 2005 BY DEBBIE F LOCATELLI =====

Proposed fencing shall not block sight distance for motorists at adjacent intersections and driveways.

===== UPDATED ON JUNE 5, 2006 BY DEBBIE F LOCATELLI =====

No comment.

### Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 31, 2005 BY GREG J MARTIN =====

A typical section for Lago Lane is required. Please show the adjacent property and both sides of Lago Lane. Stairs and retaining walls shall not be within the right-of-way. Please number and dimension each required parking space. There should be a buffer between the stairs and the driveway. The composition of the driveway should be shown on plan view and a section. A center grassy strip within the driveway shall not be allowed. The face of garage should be 20 feet from the property line. A profile is required for the driveway from the road to the garage. ===== UPDATED ON NOVEMBER 4, 2005 BY GREG J MARTIN =====

===== UPDATED ON JUNE 19, 2006 BY TIM N NYUGEN =====

1st routing discretionary comments have been addressed and approved by the Department of Public Works. Road Engineering discretionary comments are complete.

### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 31, 2005 BY GREG J MARTIN =====

===== UPDATED ON NOVEMBER 4, 2005 BY GREG J MARTIN =====

===== UPDATED ON JUNE 19, 2006 BY TIM N NYUGEN =====

NO COMMENT



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

June 5, 2006

Leilani Vevang  
237 Vista Del Mar Drive  
Watsonville, CA 95076

Subject: Review of Geotechnical Investigation by Haro, Kasunich and Associates  
Dated December 8, 2005: Project #: **SC9006**  
APN **027-062-11**, Application #: **05-0653**

Dear Applicant: \_\_\_\_\_

The purpose of this letter is to inform you that the Planning Department has accepted the subject report and the following items shall be required:

1. All construction shall comply with the recommendations of the report,
2. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
3. Prior to building permit issuance a plan review letter shall be submitted to Environmental Planning. The author of the report shall write the plan review letter. The letter shall state that the project plans conform to the report's recommendations.

After building permit issuance the soils engineer *must* remain involved with *the* project during construction. Please review the Notice to *Permits* Holders (attached).

Our acceptance of the report is limited to its technical content. Other project issues such as zoning, fire safety, septic or sewer approval, etc. may require resolution by other agencies.

Please call the undersigned at (831) 454-3168 if we can be of any further assistance.

Sincerely,

Kent Edler  
Civil Engineer

Cc: Jessica deGrassi, Environmental Planning  
Haro Kasunich and Associates  
Michael and Connie Meitzer, Owner

**MEMOR M**

Application No: 05-0653

Date: November 1, 2005

To: Annette Olson. Project Planner

From: Lawrence Kasparowitz. Urban Designer

Re: Design Review for a new residence at Lago Lane, Santa Cruz

**NOTE:** *According to **State Law**, the words **Architect or Architectural or Architecture** may not be used unless the person has a license to practice architecture in the State of California*

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

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

Design Review Standards

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be <b>sited</b> , 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.			N/A



Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.			<b>NIA</b>
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<b>Ridgeline Development</b>			
Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			<b>N/A</b>
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			<b>N/A</b>
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil and ecological characteristics of the area			<b>N/A</b>
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			<b>N/A</b>
Development shall not block views of			<b>N/A</b>
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			<b>N/A</b>
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			<b>N/A</b>
<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			<b>N/A</b>
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			<b>N/A</b>

Natural materials and colors which blend with the vegetative cover <b>of</b> the site shall be <b>used</b> , or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			<b>NIA</b>
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The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			NIA
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			NIA
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			NIA
<b>Restoration</b>			
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			NIA
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			NIA
<b>Signs</b>			
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			NIA
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			NIA
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			NIA

<b>Beach Viewsheds</b>			
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	✓		
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)			NIA
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural material: are preferred	✓		

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

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

Design Review Standards**13.11.072** Site design.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping			NIA
Streetscape relationship			NIA
Street design and transit facilities			NIA
Relationship to existing structures			NIA
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography			N/A
Retention of natural amenities			NIA
Siting and orientation which takes			NIA
Ridgeline protection			NIA
Protection of public viewshed	✓		
Minimize impact on private views	✓		

<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles			<b>N/A</b>
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

**13.11.073 Building design.**

<b>Evaluation Criteria</b>	<b>Meets criteria In code ( ✓ )</b>	<b>Does not meet criteria ( ✓ )</b>	<b>Urban Designer's Evaluation</b>
<b>Compatible Building Design</b>			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
<b>Scale</b>			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting	✓		

Building design provides solar access that is reasonably protected for adjacent properties	@		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		



**COUNTY OF SANTA CRUZ**  
**INTER-OFFICE CORRESPONDENCE**

**DATE:** September 29, 2006  
**TO:** Annette Olson, Planning Department, Project Planner  
**FROM:** Melissa Allen, Planning Liaison to the Redevelopment Agency  
**SUBJECT:** Application #05-0653, 3<sup>rd</sup> Routing, APN 027-062-11, 410 Lago Lane, near Lake Ave, LO

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The applicant is proposing to demolish a two-bedroom, one-bathroom single-family dwelling and detached garage, and construct a one-bedroom, two-bath single-family dwelling with an attached garage and a retaining wall in the front yard setback exceeding three feet. The project requires a Coastal Development Permit and Preliminary Grading Review. The property is located on the east side of Lago Lane, about 40 feet from the corner of Lago Lane and Lake Avenue.

This application was considered at Engineering Review Group (ERG) meetings on October 19, 2005, February 1, 2006 and June 7, 2006. The Redevelopment Agency (RDA) previously commented on this application on November 2, 2005 and June 14, 2006. RDA appreciates the applicant's modifications to the design to remove proposed private improvements from the public right-of-way. RDA has the following remaining comments regarding this project. RDA's primary concerns for this project involved the use of public right-of-way for private improvements and the provision of adequate parking to serve the unit, especially in neighborhoods along the coast where there is a clear shortage of parking in the area.

RDA recommends that Planning consider the following items to address with conditions of approval:

1. New trees in the street front and side yards should be planted at a 24-inch box size, or at a minimum of 15-gallon size.
2. Overhanging landscaping or vines should be planted along the Lago Lane front retaining wall to soften the appearance of the wall and help protect against potential graffiti.
3. Conversion of the garage or basement storage space to habitable space or the "living room" to a bedroom should be prohibited due to the onsite parking limitations, unless all required parking can be provided onsite.

RDA does not need to see ~~future~~ routings of this project. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

cc: Greg Martin, DPW Road Engineering  
Paul Rodrigues, RDA Project Manager



# CENTRAL FIRE PROTECTION DISTRICT

of Santa Cruz County  
Fire Prevention Division

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

**Date:** October 25, 2005  
**To:** Michael and Connie Meitzer  
**Applicant:** Leilani Vevang  
**From:** Tom Wiley  
**Subject:** 05-0653  
**Address:** 410 Lago Ln.  
**APN:** 027-062-11  
**OCC:** 2706211  
**Permit:** 20050319

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on **velums** by the designer/architect in order to satisfy District requirements when submitting for Application **for** Building Permit:

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, meeting the minimum required fire flow for the building, within 250 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to and during time of construction (CFC 901.3).

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder
- There must **be** at least one smoke detector on each floor level regardless of area usage.
- There must **be** a minimum of one smoke detector in every basement area.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 Late Fee may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at [tomw@centralfd.com](mailto:tomw@centralfd.com). All other questions may be directed to Fire Prevention at (831) 479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.

Any order of the Fire Chief shall be appealable to the Fire Code Board of Appeals as established by any party beneficially interested, except for order affecting acts or conditions which, in the opinion of the Fire Chief, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion or release.

Any beneficially interested party has the right to appeal the order served by the Fire Chief by filing a written "NOTICE OF APPEAL" with the office of the Fire Chief within ten days after service of such written order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is taken.

2706211-102505

