

Staff Report to the Zoning Administrator

Applicant: Jeffrey and Susan Williams **Owner:** Jeffrey and Susan Williams **APN:** 046-241-03 Agenda Date: July 17, 2009 Agenda Item #: **3** Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing 672 square foot, 2 bedroom single family dwelling and to construct an approximately 2488 square foot, 1 story, 2 bedroom single family with 1 attached garage and 1 detached garage. Requires a Coastal Development Permit, a Residential Development Permit to recognize fencing over 3' in height within the front yard setback, Soils Report Review, and Preliminary Grading Review for 90 cubic yards of overexcavation and recompaction, 220 cubic yards of cut and 210 cubic yards of fill.

Location: Property located on the southeast side of Crest Drive, about 2600 feet south west of San Andreas Road in Watsonville (145 Crest Drive).

Supervisoral District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit, Residential Development Permit **Technical Reviews**: Preliminary Grading Review, Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0060, based on the attached findings and conditions.

Exhibits

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Comments & Correspondence
- G. Agricultural Buffer Determination Permit

Parcel Information

Parcel Size:5 acresExisting Land Use - Parcel:Single family residenceExisting Land Use - Surrounding:Single family residence & commercial agriculture

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #: 09-0060 APN: 046-241-03 Owner: Jeffery and Susan Williams

Project Access:	Via Crest Drive
Planning Area:	San Andreas
Land Use Designation:	AG (Agriculture)
Zone District:	CA (Commercial Agriculture)
Supervisorial District:	2 nd (District Supervisor: Pirie)
Within 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:	Potentially expansive soils on site. Additional information required
	prior to building permit issuance.
Fire Hazard:	Not a mapped constraint
Slopes:	No slopes over 30%
Env. Sen. Habitat:	Mapped biotic however, resource not evident on site.
Grading:	900 cubic yards of overexcavation/recompaction, 220 cubic yards of cut and 210 cubic yards fill proposed.
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Preliminary drainage plans deemed feasible by DPW Stormwater
	Management Staff.
Archeology:	Not mapped/no physical evidence on site

Services Information

Inside Urban/Rural Services Line:	<u>Yes X</u> No
Water Supply:	San Andreas Mutual Water Company
Sewage Disposal:	Septic
Fire District:	Aptos/La Selva Fire Protection District
Drainage District:	N/A

History

The proposed single family dwelling is located within 200 feet of Commercial Agriculture (CA) zoned properties to the northwest and west; therefore, on May 21, 2009, the property owner was granted a reduction to the required 200 foot setback from surrounding CA zoned parcel by the Agricultural Policy Advisory Commission (APAC). The APAC conditioned the project to require the installation of a 6 foot tall solid wood board fence and vegetative buffer for a length of approximately 50 feet along the west property line, as is required where no other buffering features exist between a CA zoned parcel and a proposed adjacent habitable use.

According to Assessor's Records, the existing 672 square foot single family dwelling was constructed in 1942.

Project Setting

The subject parcel is long and narrow, measuring about 210 feet wide by about 1070 feet long, spanning the length of a twelve lot subdivision to the east.

The property is characterized by primarily flat topography with a gradual slope to the west towards the sea. The parcel is located outside of the Urban and Rural Services Line and may be characterized as rural neighborhood. The parcel carries an Agriculture (AG) General Plan designation and the implementing zoning is (CA) Commercial Agriculture.

The parcel is accessed by Crest Drive which is a private road with a 50 foot right of way, the paving width of which varies between 15 and 20 feet at the parcel frontage. The front (northwest) property line extends to the centerline of the right of way; therefore, setbacks are measured from the edge of the road as traveled.

In addition to the existing single family dwelling, there is a detached bedroom and temporary shade structure located behind the home.

Project Analysis

The proposed project is to construct a one story, two bedroom single family dwelling of approximately 2488 square feet with an attached 458 square foot garage and a detached 440 square foot garage on a 5 acre parcel. The project is located at 145 Crest Drive within the Coastal Zone Appeals Jursidiction. The proposed project includes removal of the existing detached bedroom and shade structure located behind the existing house.

There is an existing fence of about 5 feet in height located within the 20' front yard setback. The fence is wire and wood and is located at the edge of the Crest Drive right of way. The fence is intended to provide security from the roadway.

The fencing does not result in problems related to vehicular sight distance in that the fence is virtually see-through; therefore, pedestrians and vehicles traveling along Crest Drive are able to see other vehicles and make turns onto and off of the subject property in a safe manner.

Zoning & General Plan Consistency

The subject property is approximately 5 acres and is located in the CA (Commercial Agriculture) zone district, a designation which allows for the construction of a single family dwelling. The proposed single family dwelling is not a principal permitted use within the zone district; however, the project is consistent with the site's (AG) Agriculture General Plan designation. The proposed project complies with the applicable site standards for the CA zone district as shown in the table below:

	Required as per County Code	Proposed
	13.10.313(a) CA District	(approximate)
Front Yard	20'	98'
Side Yards	20' & 20'	75' & 60'

Rear Yard	20'	900'
Maximum Height	28'	18'

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.

Design Review

The proposed single family dwelling will be less than 7000 square feet in size and is not located in a coastal special community or on a sensitive site; therefore, this project is not subject to the design review ordinance.

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 **09-0060**, 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.

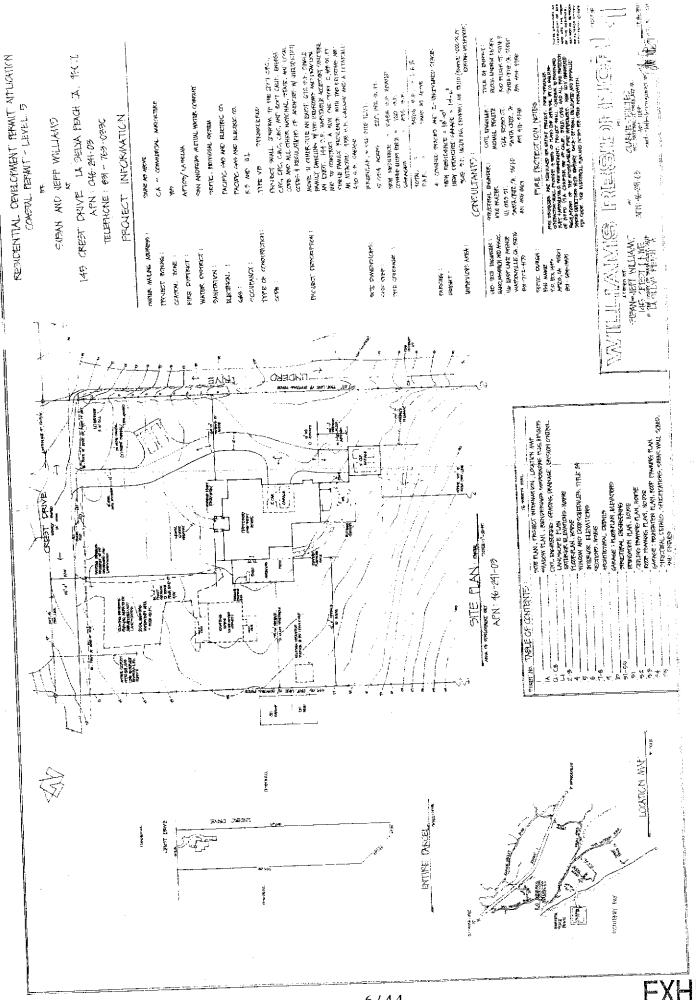
The County Code and General Plan, as well as hearing agendas and additional information are available online at: <u>www.co.santa-cruz.ca.us</u>

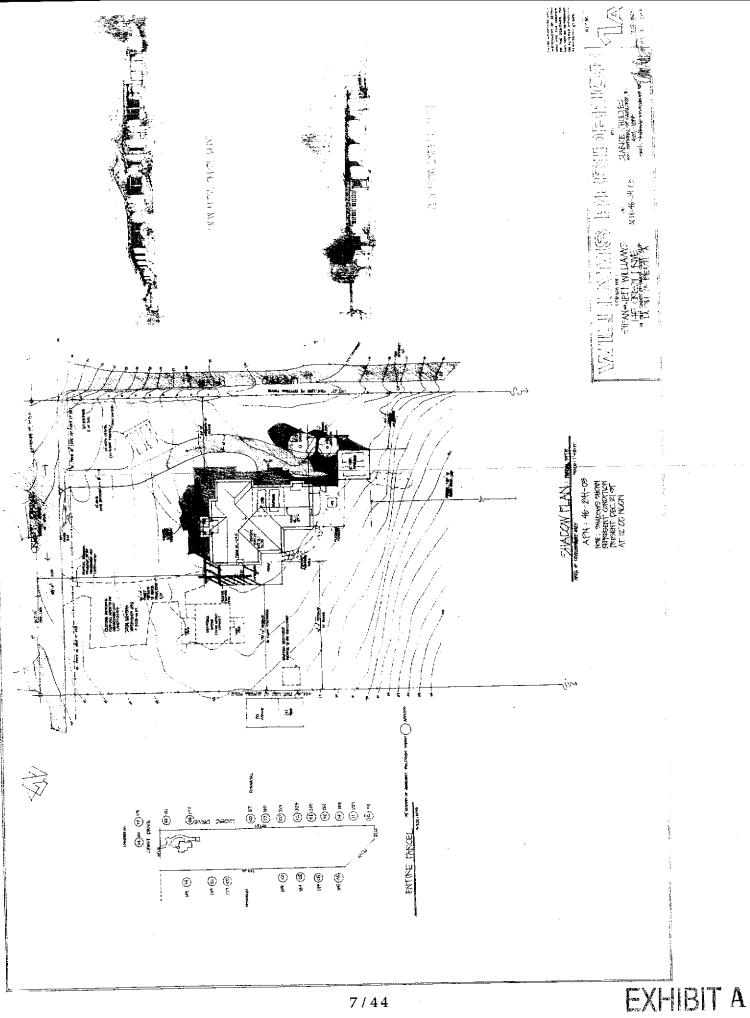
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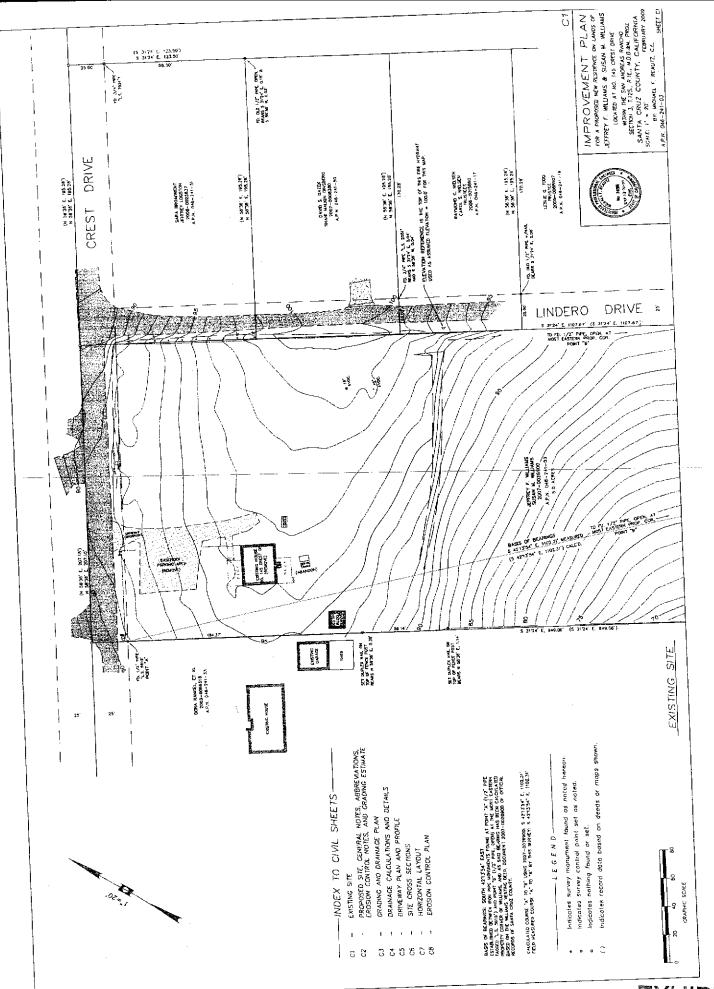
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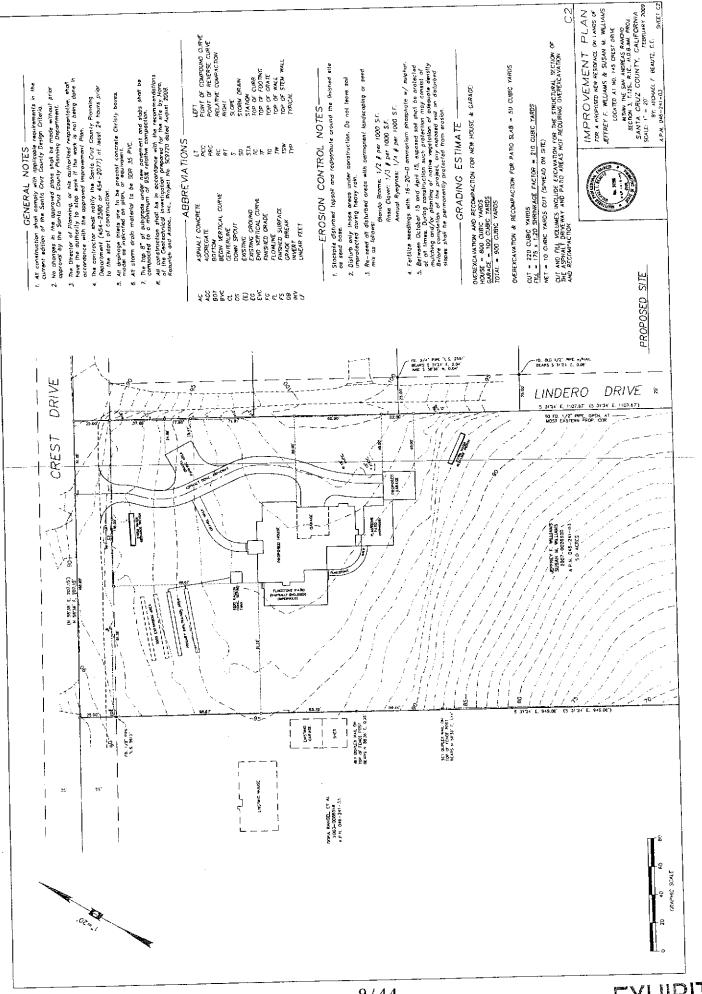
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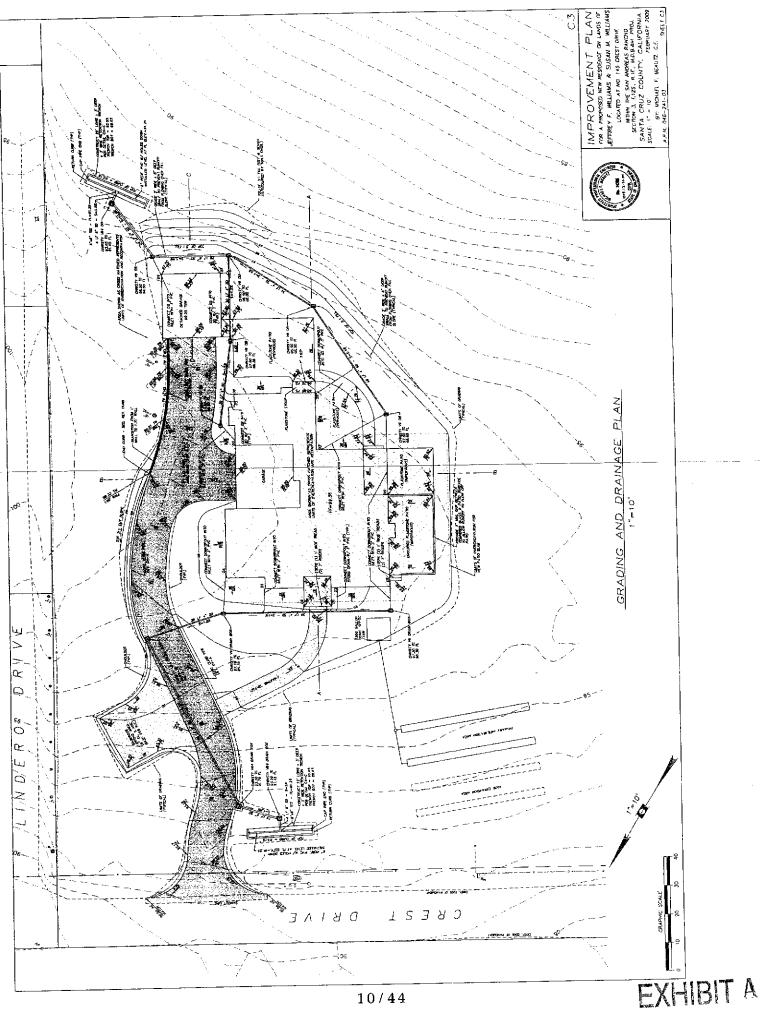


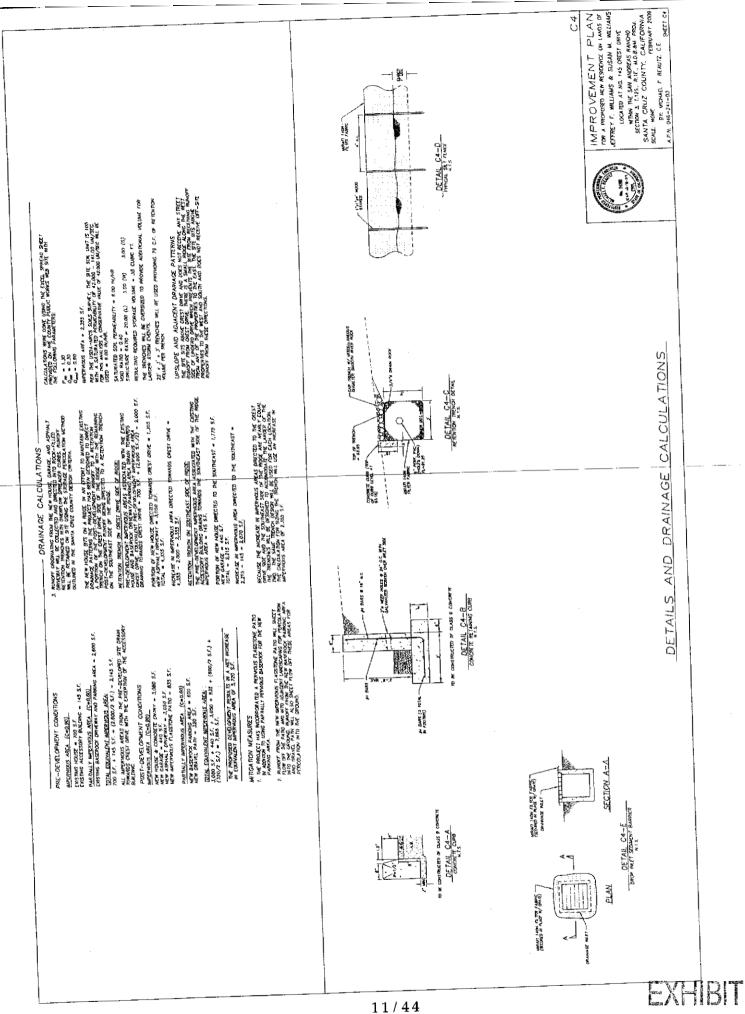


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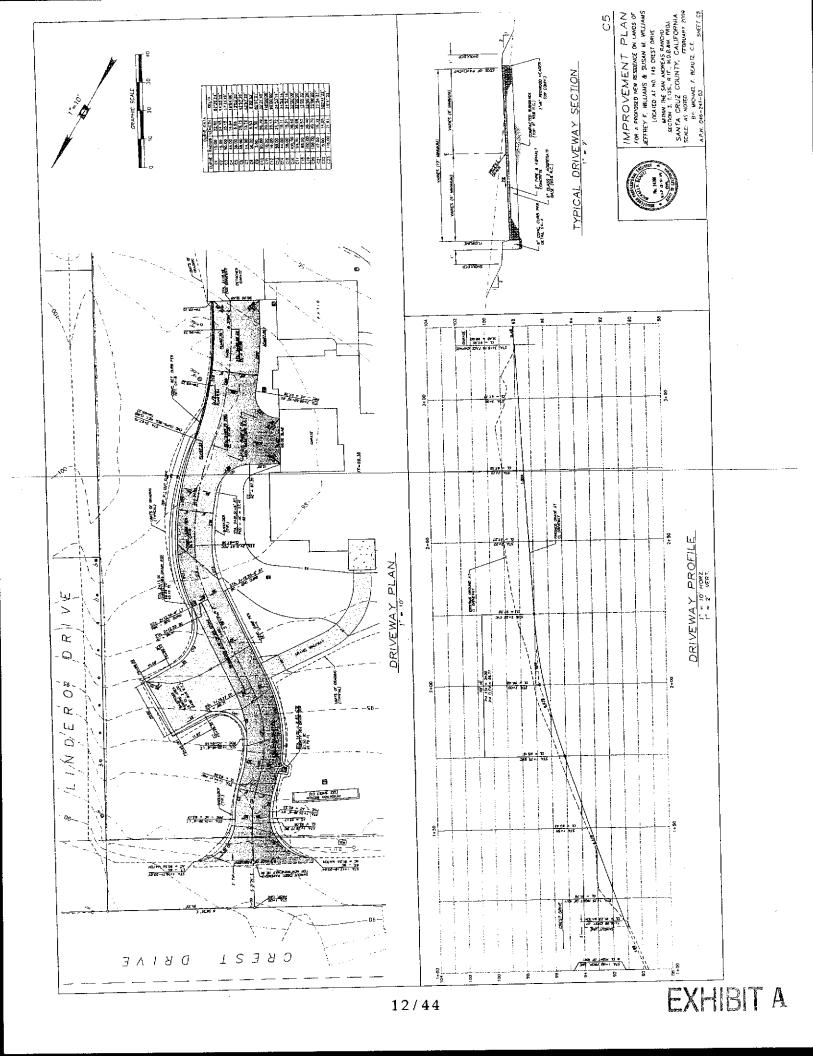


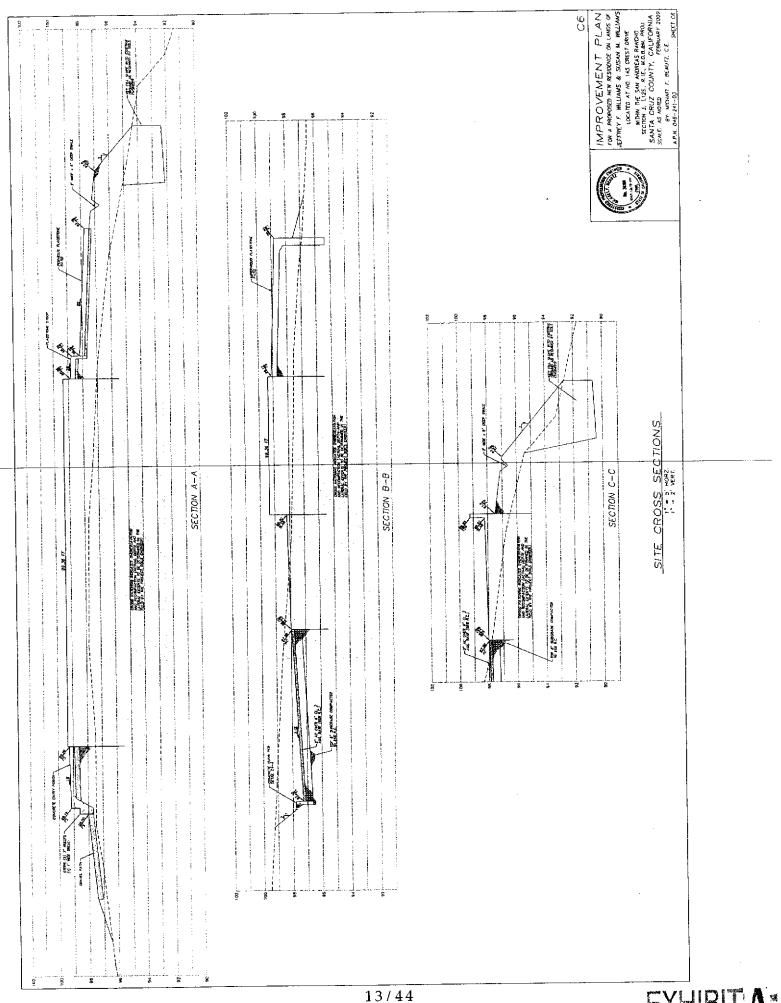
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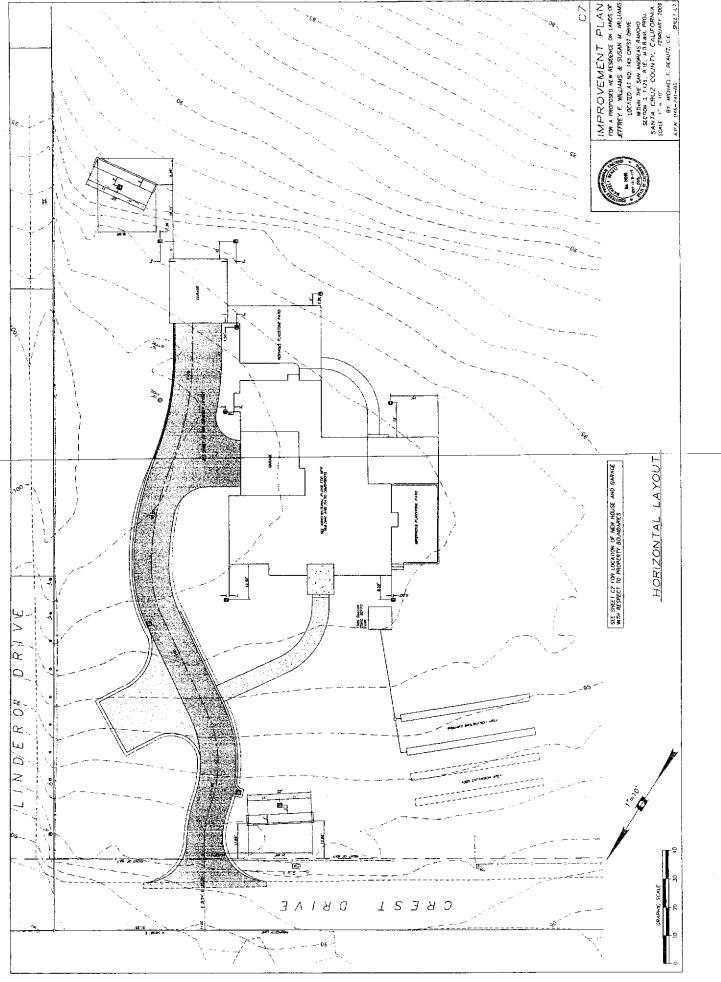


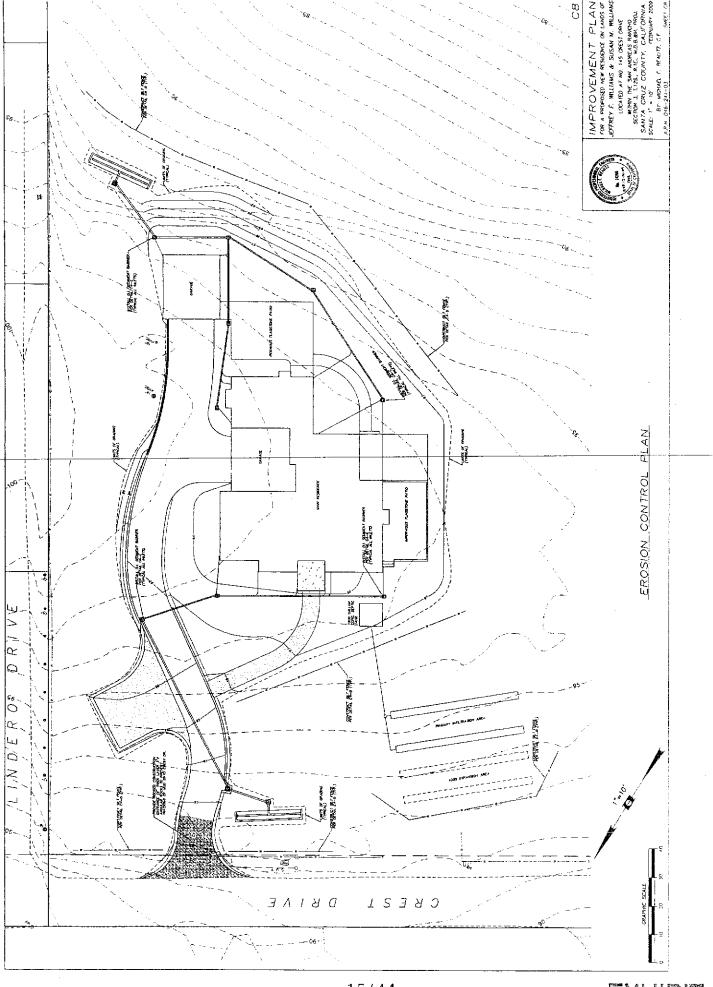


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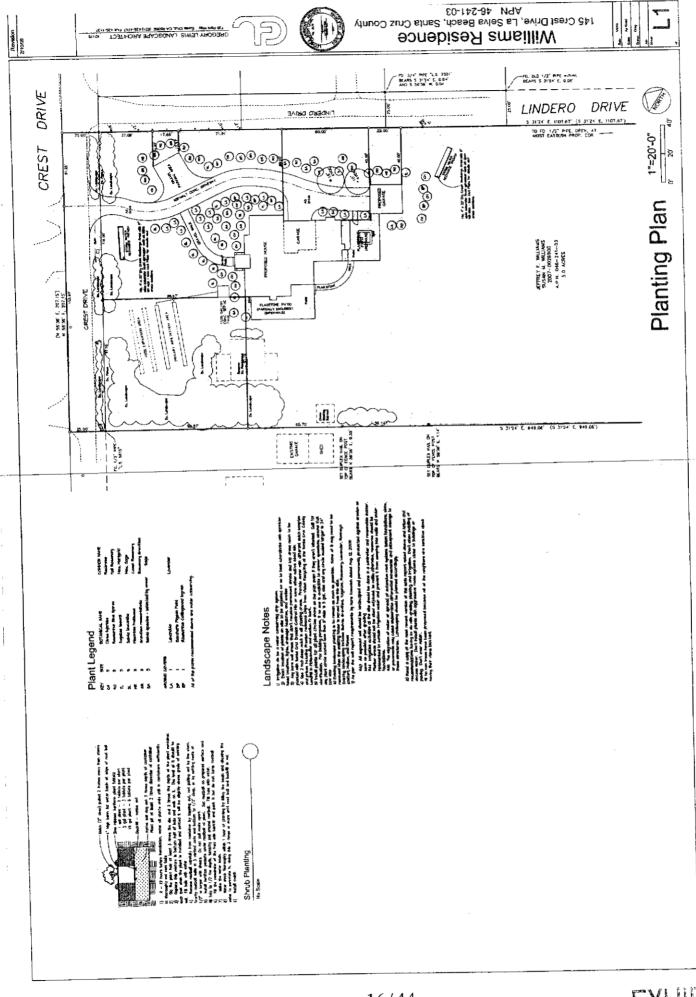


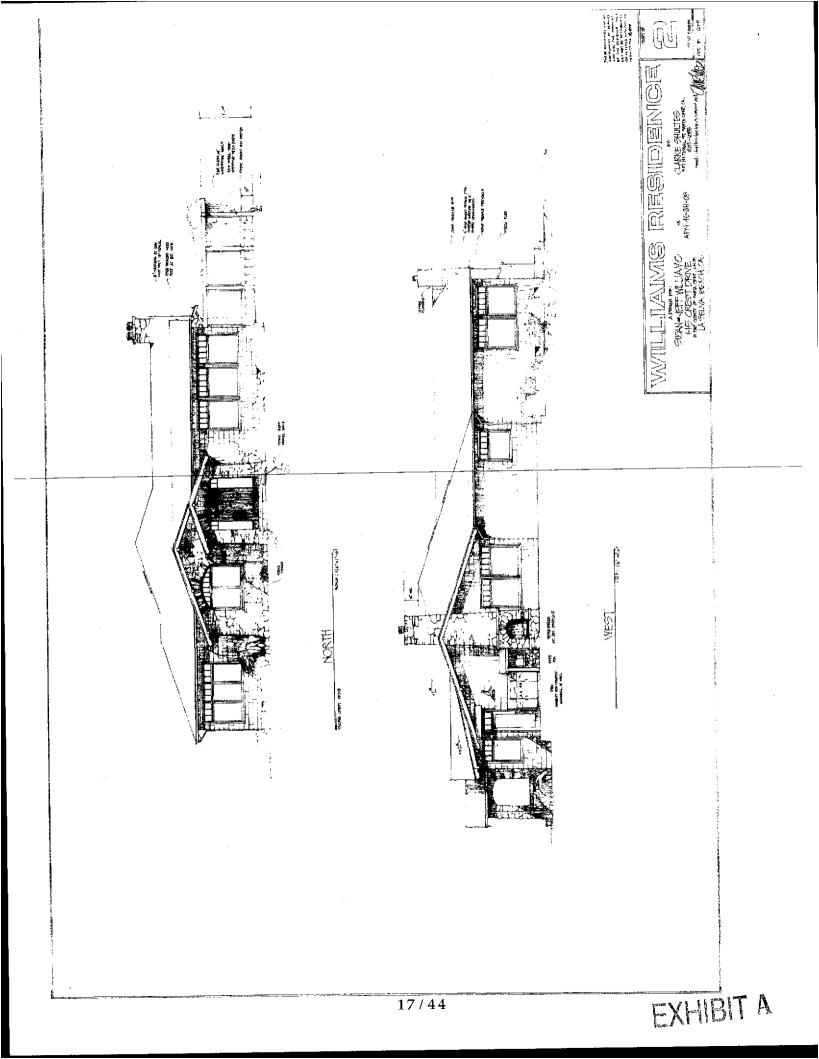


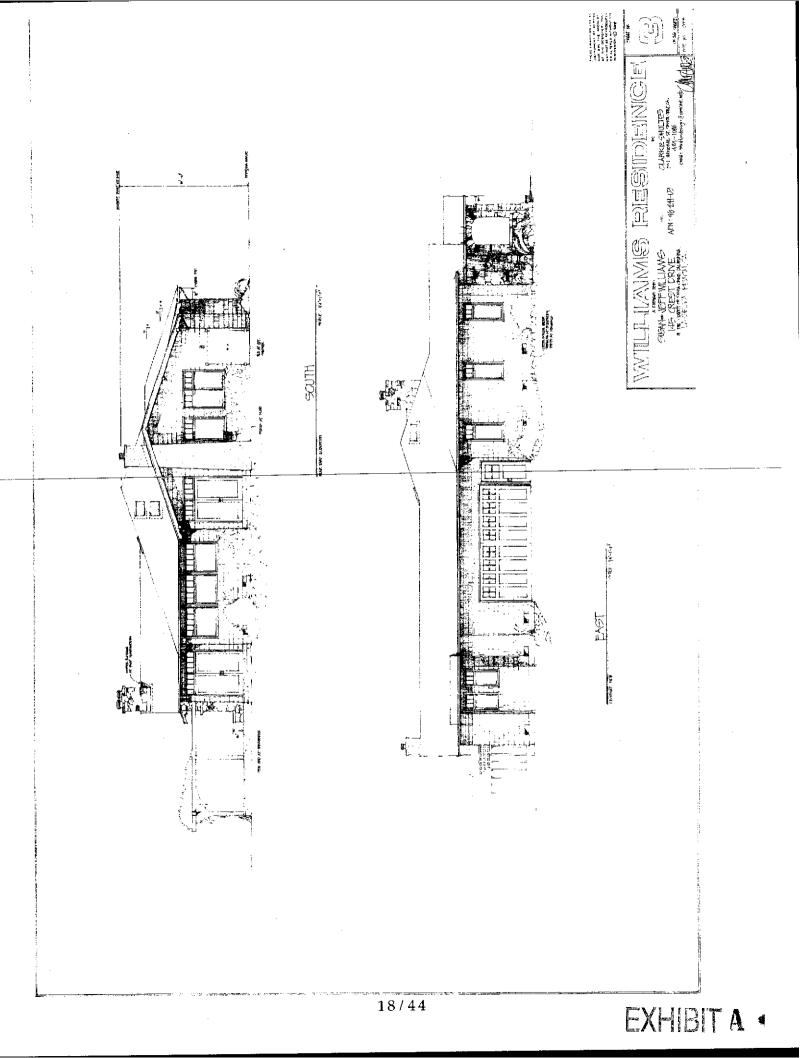


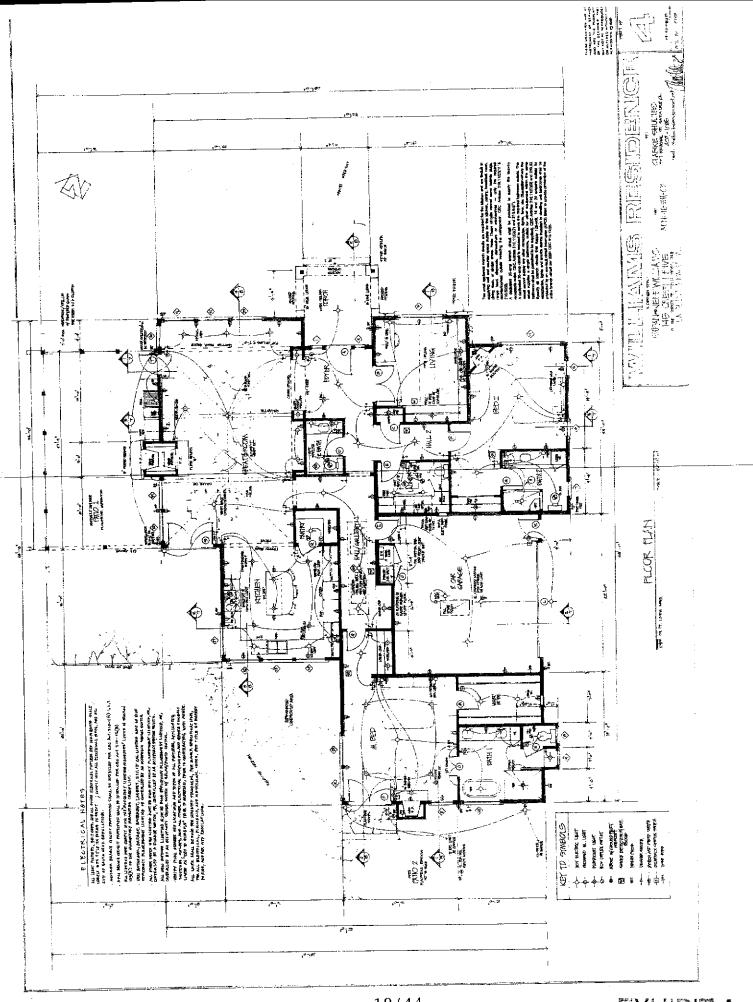


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Coastal Development Permit Findings

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 CA (Commercial Agriculture), a designation which allows residential uses in conjunction with commercial agriculture uses. The proposed structure is located at the northwest end of the parcel, closest to the roadway, in a place that allows for the majority of the parcel to be left open and undisturbed for future potential commercial agriculture uses. The San Andreas Mutual Water Company has indicated that at this time, water service for a commercial agricultural use on the subject property is not feasible.

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

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

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

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

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

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single family 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 CA (Commercial Agriculture) 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.

Section 13.10.314(a) Required Special Findings for "CA" and "AP" Uses that require a Level V or higher approval except Agricultural Buffer Determinations.

1. That the establishment or maintenance of this use will enhance or support the continued operation of commercial agriculture on the parcel and will not reduce, restrict or adversely affect agricultural resources, or the economic viability of commercial agricultural operations, of the area.

This finding can be made in that the proposed residence and area of disturbance will occur on a small portion of the northwest side of the parcel and will leave approximately 3.3 acres vacant and undisturbed where future potential commercial agriculture could take place. In addition, the property owners were granted agricultural buffer reductions to build within the required 200 foot agricultural buffer setback as measured to surrounding CA zoned parcels and will be required to construct a 6 foot tall maximum height solid wood board fence and vegetative buffer along a portion of the east property line to reduce impacts to potential adjacent Commercial Agriculture.

- 2. That the use or structure is ancillary, incidental or accessory to the principal agricultural use of the parcel or that no other agricultural use is feasible for the parcel or
- 3. That the use consists of an interim public use which does not impair long-term agricultural viability; and

This finding can be made in that the proposed structure will leave approximately 3.3 acres of the parcel vacant and undisturbed for future potential agricultural uses; therefore, although commercial agricultural is not feasible on the parcel at this time due to water constraints, there is adequate space for future potential agriculture and the proposed single family dwelling is ancillary to a potential commercial agricultural use.

4. That single-family residential uses will be sited to minimize conflicts, and that all other uses will not conflict with commercial agricultural activities on site, where applicable, or in the area.

This finding can be made in that the house is sited so as to be located at one end of the property and will leave approximately 3.3 acres open and undisturbed for future potential agricultural uses. In addition, the property owners received approval from the Agricultural Policy Advisory Commission for reductions to the required 200 foot setback from surrounding Commercial Agriculture (CA) zoned land and are required to record a Statement of Acknowledgement to construct a habitable structure next to potential agricultural uses and to install a 6 foot tall solid wood board fence and vegetative buffer along a portion of the east property line to buffer possible adjacent impacts. Therefore, the proposed residence will not conflict with adjacent commercial agricultural activities or eliminate the potential for future agricultural uses on the subject property.

EXHIBIT B

5. That the use will be sited to remove no land from production (or potential production) if any nonfarmable potential building site is available, or if this is not possible, to remove as little land as possible from production. (Ord. 4094, 12/11/90)

This finding can be made in that the proposed single family dwelling will be located on the northwest end of the parcel and will leave approximately 3.3 acres of land open and undisturbed for future potential agricultural development; therefore, the project has been designed to remove as little land as possible from potential production.

Section 13.10.314(b) Required Findings for Residential Development on Land Zoned Commercial Agriculture or Agricultural Preserve in the Coastal Zone

- 1. The parcel is less than one acre in size; or the parcel has physical constraints (such as adverse topographic, geologic, hydrologic, or vegetative conditions) other than size which preclude commercial agricultural use; or that the residential use will be ancillary to commercial agricultural use of the parcel based upon the fact that either:
 - (i) The farmable portion of the parcel, exclusive of the building site, is large enough in itself to constitute a minimum economic farm unit for three crops, other than greenhouses, suited to the soils, topography, and climate of the area; or
 - (ii) The owners of the subject parcel have a long-term binding arrangement for commercial agricultural use of the remainder of the parcel, such as an agricultural easement.

This finding can be made in that the parcel has hydrologic constraints which preclude a <u>commercial agricultural use on the parcel</u>. The parcel is served by the San Andreas Mutual Water Company, which has issued a statement (Exhibit F) that the company will continue to supply the property with residential level service including household and reasonable landscaping use, however, due to water supply limitations; it is not feasible at this time to provide service for a commercial agriculture use; therefore, a commercial agricultural use is not feasible on the subject parcel at this time.

2. The residential use will meet all the requirements of section 16.50.095 pertaining to agricultural buffer setbacks.

This finding can be made in that the property owners received approval from the Agricultural Policy Advisory Commission (APAC) for the reduction of four 200' agricultural setbacks to adjacent CA zoned lands, as per County Code Section 16.50.095.

3. The owners of the subject parcel have executed binding hold-harmless covenants with the owners and agricultural operators of adjacent agricultural parcels. Such covenants shall run with the land and shall be recorded prior to the issuance of the permit for the proposed development.

This finding can be made in that the property owners were required to sign and record a Statement of Acknowledgement regarding the issuance of a county building permit in an area determined by the County of Santa Cruz to be subject to Agricultural-Residential use conflicts, prior to building permit issuance.

Development Permit Findings

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

This finding can be made, in that the location and design of the approximately five foot high fence along Crest Drive allows adequate sight distance for vehicles traveling along the roadway and turning on to and off of Crest Drive in that the fencing is wire and therefore does not block views.

The design of the fence does not contain any corners or pockets that would conceal persons with criminal intent in that the fence is a wire fence that would be difficult to hide behind.

The design of the fence does not utilize an excessive quantity of materials it's maintenance, in that the fence is already constructed and fences are relatively insignificant structures that are accessory to the residential use allowed on the property.

The design and location of the fence does not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that the fence does not exceed six feet in height and the wire design will allow the movement of light and air to improvements within the vicinity.

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

This finding can be made, in that the location of the fence and the conditions under which they are operated or maintained will be consistent with the purpose of the CA (Commercial Agriculture) zone district in that the majority of the parcel will be reserved and undeveloped for future commercial agriculture potential and fencing is a normal ancillary use to a residential use in the zone district. Specific regulations for fencing and walls are contained in section 13.10.525. This proposal complies with the requirements and intents of that section, in that:

- The fence permitted in this permit is situated on the property in a manner that allows adequate sight distance for vehicles traveling along Crest Drive as well as entering and exiting the property, in that the fencing is a post and wire fence, not a solid board fence.
- The existing fence is made of post and wire which allows adequate light and air to pass through to the street area.
- The location of the fence on the property and the design of the fence does not contain any corners or pockets that would conceal persons with criminal intent in

that the fencing is post and wire rather than solid board.

- The location and design of the fencing is compatible with the visual neighborhood character of the surrounding rural neighborhood in which other fences greater than three feet in height front along the roadside.
- 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 fencing is set back from the edge of the roadway and allows adequate sight distance consistent with road standards specified in the General Plan. The project is located in the AG (Agriculture) land use designation.

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 fencing does not utilize a significant amount of electricity or utilities or generate any additional traffic on the streets in the vicinity in that a fence is not a use that generates or intensifies traffic and there are not any associated gate motors or electrical lights that create a draw on electrical utilities.

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 fencing is compatible with the rural visual character of the neighborhood due to the height, design, and location. The post and wire materials are typical for fencing and will be maintained as such. The fence does not alter or increase the density or intensity of residential use within the surrounding 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 project is not subject to Chapter 13.11.

Conditions of Approval

- Exhibit A: Architectural Plans prepared by Clarke Shultes, dated 10/15/2008, and Improvement Plans prepared by Michael Beautz, dated 2/2009.
- I. This permit authorizes the construction of a one story, two bedroom, single family dwelling of approximately 2,488 square feet with an attached 458 square foot garage and a detached 440 square foot garage; recognizes a fence over 3 feet in height located within the front yard setback; and permits the demolition of an existing 672 square foot residence and detached habitable accessory structure. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
 - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

- 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
- 2. Grading and drainage plans prepared by a licensed civil engineer or architect that include the following:
 - a. Provide engineering calculations for all proposed earthwork.
 - b. Provide details showing the location and depth of fill material to be placed onsite.
 - c. Provide an analysis and background information fro the proposed dissipater structure demonstrating that it meets design criteria requirements for maintaining pre-development runoff rates and adequately mitigates for the proposed impervious and semiprecious areas (roof and base rock areas).
 - d. Provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be accommodated across/under the proposed driveway.
- 3. Development setbacks of a minimum of 120' to APN 046-271-27 & 24, 75' to APN 046-241-33, and 140' to APN 046-271-08.
- 4. Final plans shall show the location of the six foot tall solid board fence and vegetative buffering barrier along the southwest property line for a length of approximately 50 feet as measured from the shed/garage on the adjacent property (APN 046-241-33) to the rear wall of the proposed detached garage on the subject property. The landscape buffer shall be composed of drought tolerant shrubbery. The shrubs utilized shall attain a minimum height of six feet upon maturity. Species type, plant sizes and spacing shall be indicated on the final plans for review and approval by Planning Department staff.
- B. 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.
- C. Submit details and results of additional tests performed to determine if onsite soils are expansive per the 2007 California Building Code Section 1802.3.2 and provide mitigations if necessary. (See Soils Report Review letter)
- D. Submit a geotechnical plan review letter stating that the building plans are in conformance with the recommendations of the soils report.

- E. Meet all requirements of and pay drainage fees to the County Department of Public Works, Stormwater Management.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- H. Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s). Currently, these fees are, respectively, \$800 and \$109 per bedroom.
- 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.
 - 1. The project civil engineer shall inspect the drainage improvement and provide public works with a letter confirming that the work was completed as per the approved plans. The letter shall be specific as to the improvements inspected, such as invert elevations, pipe sizing, the size of mitigation features and all relevant design features. An as-built plan may be submitted in lieu of the letter.
 - 2. Upon approval of the installed improvements, the property owner shall record a maintenance agreement for the future maintenance and inspection of the retention system.
 - B. The agricultural buffer setbacks shall be met as verified by the County Building Inspector.
 - C. The required vegetative and physical barrier shall be installed. The applicant/owner shall contact the Planning Department a minimum of three working days in advance to schedule an inspection to verify that the required barrier (vegetative and other) has been completed.

- D. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- E. The project must comply with all recommendations of the approved soils reports.
- F. 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. The vegetative and physical barrier shall be permanently maintained.
- B. All required Agricultural Buffer Setbacks shall be maintained.
- C. 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, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and

- 2. COUNTY defends the action in good faith.
- C. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date:

T. CC	Dite
Effective	Date:

Expiration Date:

Don Bussey Deputy Zoning Administrator Samantha Haschert Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 09-0060 Assessor Parcel Number: 046-241-03 Project Location: 222 Highland Drive

Project Description: Proposal to demolish an existing 672 square foot single family dwelling and construct a 1 story, 2 bedroom, single family dwelling of about 2488 square feet with 1 attached garage and 1 detached garage.

Person or Agency Proposing Project: Jeffrey and Susan Williams

Contact Phone Number: (831) 684-1555

- 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. <u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
- **D.** <u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X Categorical Exemption

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

F. Reasons why the project is exempt:

Construction of one new single family residence on a parcel that permits residential uses.

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

Samantha Haschert, Project Planner

Date:_____

EXHIBIT D

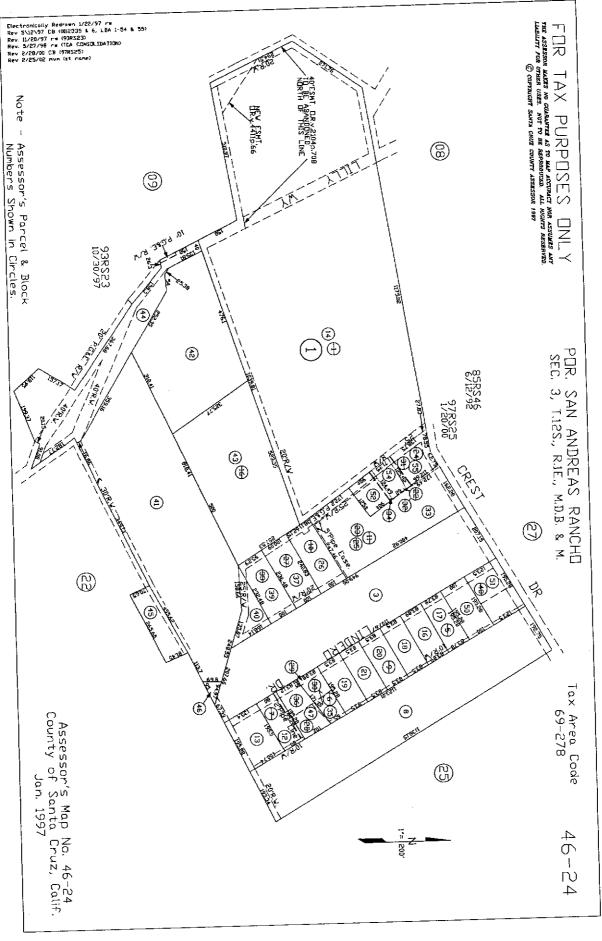
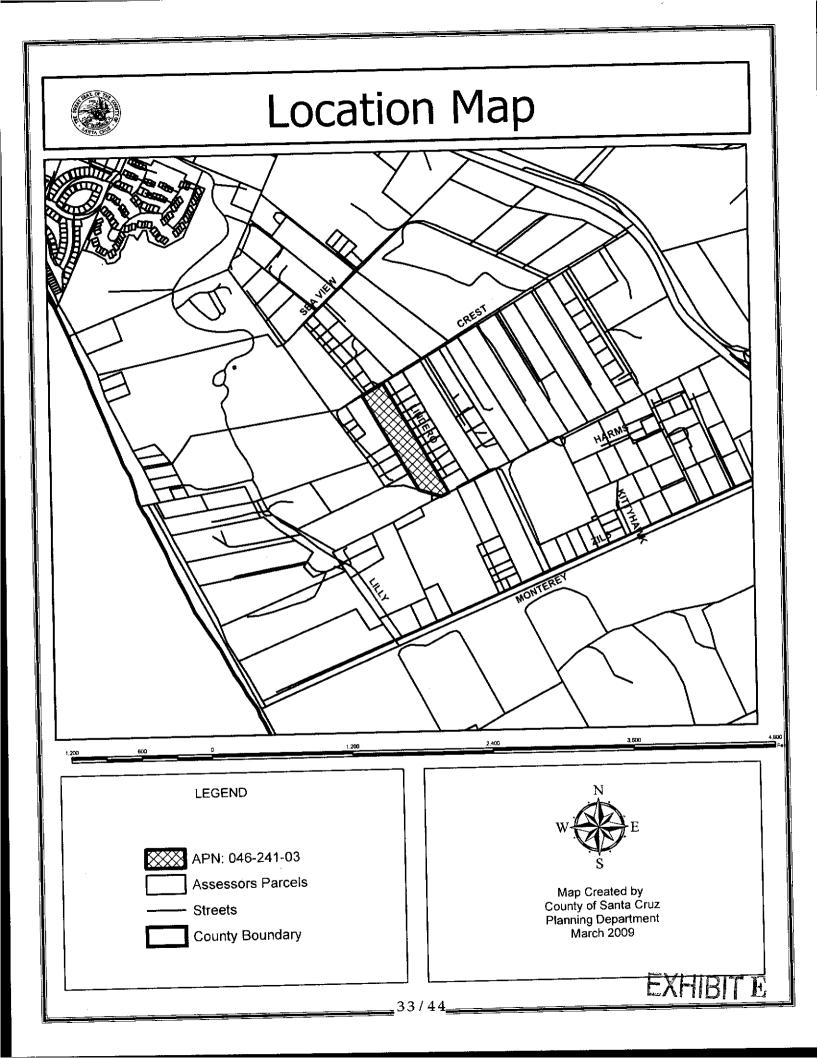
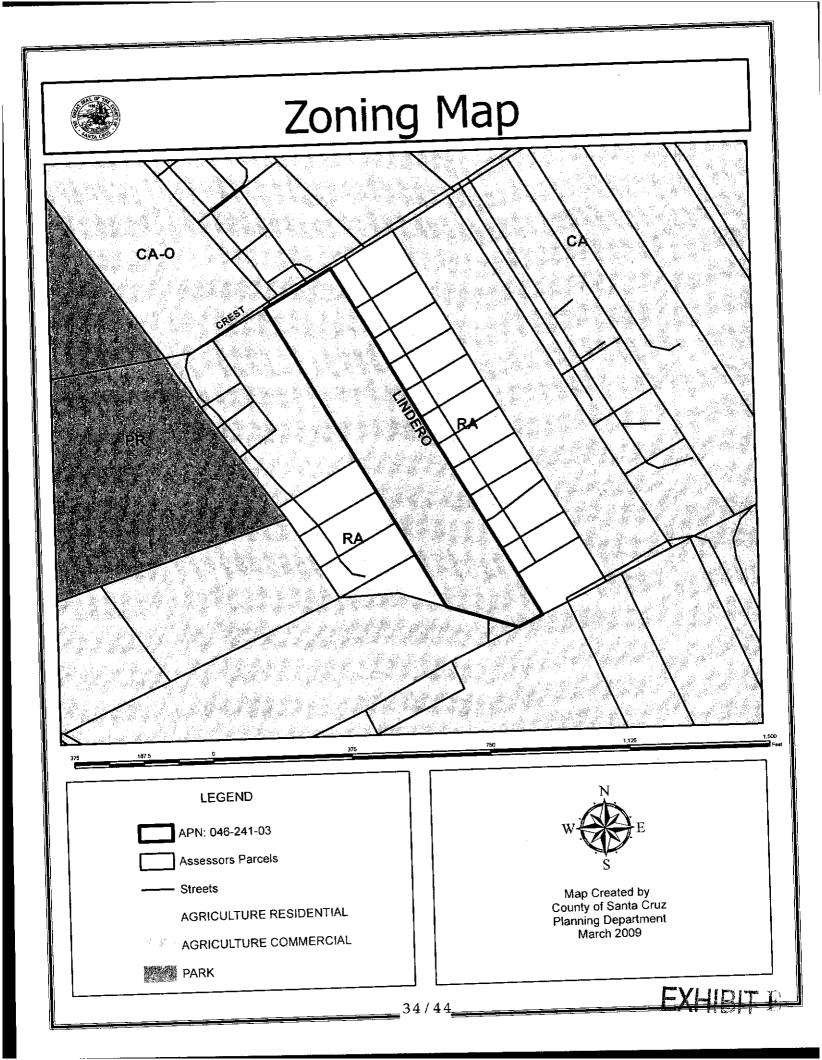
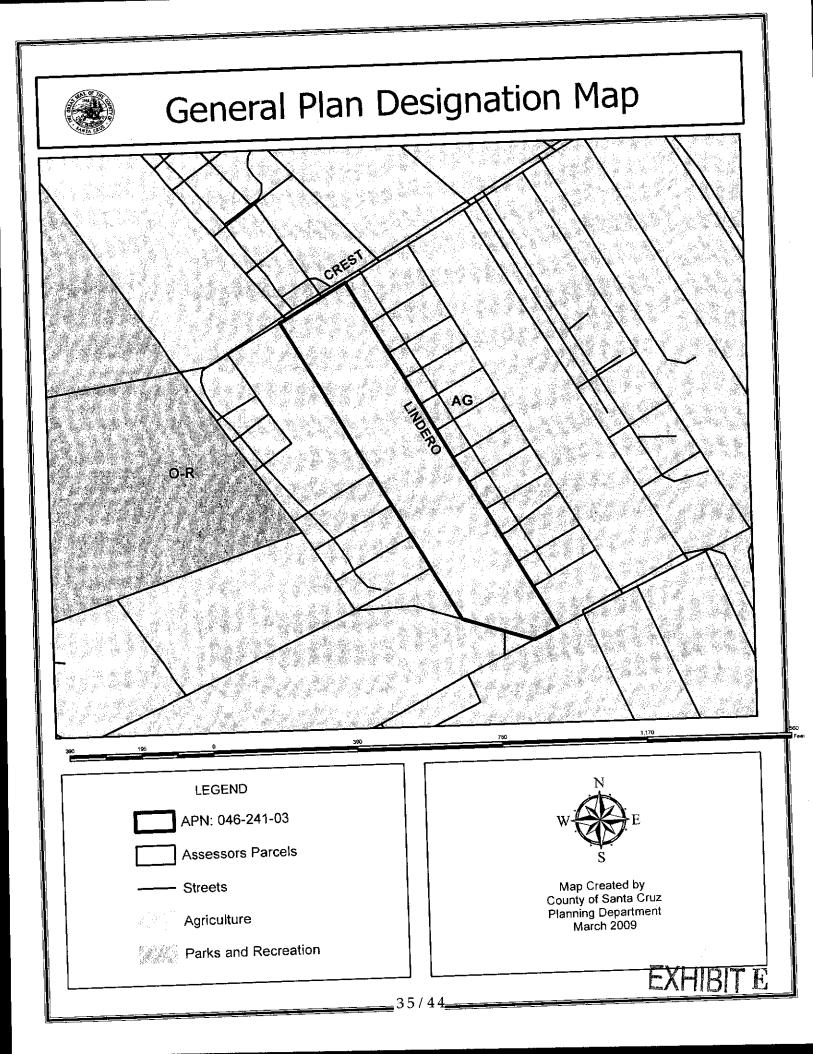


EXHIBIT E







COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Samantha Haschert Application No.: 09-0060 APN: 046-241-03 Date: June 17, 2009 Time: 16:49:56 Page: 1

Environmental Planning Completeness Comments

====== REVIEW ON MARCH 23, 2009 BY CAROLYN I BANTI =======

-- First Review Completeness -- Soils and Grading --

1. The soils report has been reviewed. The report is acceptable for discretionary review but has not been accepted. Please see letter dated 3/23/09 and miscellaneous comments for soils report issues to be addressed prior to building permit approval.

-- First Review Compliance -- Soils and Grading --

No Comments

Environmental Planning Miscellaneous Comments

======= REVIEW ON MARCH 23, 2009 BY CAROLYN I BANTI =======

-- First Review Permit Conditions/Misc. -- Soils and Grading --

1. As stated in the soils report review letter: Test results for near surface soils show more than 10 percent of the soils particles pass a No. 200 sieve. As such, the soils may be considered expansive per 2007 California Building Code Section 1802.3.2 and may not be suitable for use as engineered fill without mitigations. Please perform additional tests to show the soils are not expansive per 2007 CBC Section 1802.3.2 or provide mitigations as necessary.

2. After building permit plans have been prepared that are acceptable to all reviewing agencies, please submit a geotechnical plan review letter stating that the project plans are in conformance with the recommendations of the soils report.

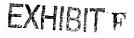
3. Please provide engineering calculations for the proposed earthwork with the building permit submittal.

NOTE TO PLANNER: The biotic resource identified for this area is not present within the proposed project area. No further biotic information is required for this proposal.

Conditions of Approval:

1. Obtain a grading permit. The grading and drainage plan shall be completed by a licensed civil engineer or architect.

Dpw Drainage Completeness Comments



Discretionary Comments - Continued

Project Planner: Samantha Haschert Application No.: 09-0060 APN: 046-241-03 Date: June 17, 2009 Time: 16:49:56 Page: 2

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

The submitted drainage plan appears to be acceptable, however in order to consider this application complete for the discretionary stage, please submit an additional \$285.00 to supplement the \$565.00 already submitted.

Please see miscellaneous comments to be address at the building application stage.

Please call the Dept. of Public Works. Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ======= UPDATED ON MARCH 18, 2009 BY GERARDO VARGAS ========

Dpw Drainage Miscellaneous Comments

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

and background information for the proposed dissipator structure demonstrating that it meets design criteria requirements for maintaining pre development runoff rates and adequately mitigates for the proposed impervious and semi pervious areas (roof and base rock areas).

2. Please provide a detail describing how the driveway will conform to existing roadside facilities. Road drainage should not be blocked by the proposed driveway. Provide a typical cross section of the existing road swale and details describing how drainage will be accommodated across/under the proposed driveway

The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received. This applies to new SFD applications or projects under review. The civil engineer-s letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of -general conformance to plans- are not sufficient. An as- built plan may be submitted in lieu of the letter.

Upon approval the developer/property owner shall record a maintenance agreement for the future maintenance and inspection of the retention system. A copy of the recorded agreement shall be provided to Public Works. This form can be obtain online at: http://www.dpw.co.santacruz.ca.us/Storm%20Water/FigureSWM25.pdf or picked up at the Public Works office.

The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Road Engineering Completeness Comments



Discretionary Comments - Continued

Project Planner: Samantha Haschert Application No.: 09-0060 APN: 046-241-03

Date: June 17, 2009 Time: 16:49:56 Page: 3

1. In order to evaluate access to the single-family dwelling, show how property obtains access road to the county road system and provide details (such as pavement conditions, sight distance issue etc.) of intersection of Crest Drive to San Andreas Rd in plan view. The intersection of two roads must meet county standards.

(Photos/digital pictures of the intersection are preferable)

Please refer to the SC Design Criteria for references. Click for the link below http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.pdf ======= UPDATED ON MARCH 19. 2009 BY ANWARBEG MIRZA =======

Intersection is in good comnditions. Disc. App. is completed in Rd Planning.

Dow Road Engineering Miscellaneous Comments

====== REVIEW ON MARCH 19, 2009 BY ANWARBEG MIRZA ======== NO COMMENT NO COMMENT

Environmental Health Completeness Comments

has been approved for a 2 bedroom SFR.

Environmental Health Miscellaneous Comments

====== REVIEW ON MARCH 19. 2009 BY JIM G SAFRANEK ======= NO COMMENT

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

======= REVIEW ON APRIL 1, 2009 BY ERIN K STOW ======== DEPARTMENT NAME: Aptos/La Selva Fire District APPROVED

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

====== REVIEW ON APRIL 1, 2009 BY ERIN K STOW ======== NO COMMENT



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003 Phone # 831-685-6690 • Fax # 831-685-6699

April 1, 2009

Planning Department County of Santa Cruz Attention: Samantha Haschert 701 Ocean Street Santa Cruz, CA 95060

Subject: APN: 46-241-03 / Appl #09-0060 145 Crest Drive

Dear Ms. Haschert:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. <u>Reminder</u>: the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

Any other requirements will be addressed in the Building Permit phase.

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

In order to obtain building application approval, recommend you have the DESIGNER add appropriate NOTES and DETAILS showing the following information on the plans that are submitted for <u>BUILDING PERMIT</u>.

Each APN (lot) shall have separate submittals for building and sprinkler system plans.

The County of Santa Cruz Emergency Services Department/Addressing must approve or assign an address before Fire Department approval is obtained.

NOTE on the plans "these plans are in compliance with California Building and Fire Codes (2007 edition) and Aptos/La Selva Fire District Amendments".

NOTE on the plans "the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE / FIRE RATING and SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in the California Building Code. (e.g. R-3, Type V-B, Sprinklered)"

NOTE on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **1,000 gallons per minute** $\frac{The}{39/44}$ AVAILABLE FIRE FLOW information can be

obtained from the water company. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m2) shall be 1,000 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5m2) shall not be less than that specified in Appendix Table B105.1 of the California Fire Code".

SHOW on the plans a public fire hydrant within 600 feet of any portion of the building meeting the minimum required fire flow for the building. Hydrant shall be on a fire apparatus access road, as measured by an approved drivable route around the exterior of the facility or building.

If the public fire hydrant is further than 600 feet from any portion of the building, a new fire hydrant will be required. Note on the plans "the new hydrant shall be installed and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided".

NOTE on the plans "All buildings shall be protected by an approved automatic fire sprinkler system complying with the currently adopted edition of NFPA 13-D, and adopted standards of the Aptos/La Selva Fire Protection District."

NOTE on the plans "the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval."

NOTE on the plans "an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. Underground plan submittal and permit, will be issued to a Class B, Class C-16, Class C-36 or owner/builder. No exceptions."

SHOW on the plans where the 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.

When a fire alarm system is proposed in lieu of 110V/battery backup smoke detectors, a separate fire alarm permit and fee is required by the Aptos/La Selva Fire District. **NOTE** on the plans, "three sets of fire alarm plans shall be submitted and approved prior to commencing work."

NOTE on the plans "building numbers shall be provided. Numbers shall be a minimum of four (4) inches in height on a contrasting background and visible from the street. Where numbers are not visible from the street, additional numbers shall be installed on a directional sign at the property driveway and the street."

NOTE on the plans "the installation of an approved spark arrester on the top of the chimney. The wire mesh not to exceed 1/2 inch."

NOTE on the plans "the roof covering shall be no less than Class "B" rated roof."

40/44

EXHIBIT F

APN: 046-241-03 APPL. # 09-0060 PAGE 3 of 3

NOTE on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

EXCEPTION: 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."

NOTE on the plans "the job copies of the building and fire systems plans and permits must be onsite during inspections."

Note: 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, and, to hold harmless and without prejudice, the reviewer and reviewing agency.

Sincerely.

Jim D/aS, Fire Marshal Fire/Prevention Division Aptos/La Selva Fire Protection District

Cc: Jeffrey & Susan Williams 145 Crest Drive Watsonville, CA 95076

Cc: Dee Murray 2272 Kinsley Street Santa Cruz, CA 95060

San Andreas Mutual Water Company

P.O.Box 326, Aptos, CA 95001-0326



7-April-2009

Samantha Haschert Project Planner Santa Cruz County Planning Department 701 Ocean Street, 4th Floor Santa Cruz, Ca 95060

Ms. Haschert:

Jeff and Susan Williams have informed us they plan to build a new home at their 145 Crest Drive, La Selva Beach, location, replacing their old home at the same location. San Andreas Mutual Water Company will continue to supply water for household use and reasonable landscaping. Due to our limitations on water supply and our rate structure, to supply water for any commercial agricultural use would not be feasible.

regards,

Ralph Bracamonte Manager, San Andreas Mutual Water Company





COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT 701 OCEAN STREET, 4[™] FLOOR, SANTA CRUZ, CA 95060 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123 TOM BURNS, PLANNING DIRECTOR

May 14, 2009

Dee Murray 2272 Kinsley St. Santa Cruz, CA 95062

Subject: Review of Geotechnical Investigation by Haro, Kasunich and Associates, Inc., Dated August 12, 2008; "Additional Testing" Letter, Dated April 22, 2009 APN 046-241-03, Application #: 09-0060, Project #: SC9720

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.
- Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations. Plans shall also provide a thorough and realistic representation of all grading necessary to complete this project
- 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.
- 4. Please provide an electronic copy of the soils report and addendum in .pdf format. This document may be submitted on compact disk or emailed to <u>carolyn.banti@co.santa-cruz.ca.us</u>.

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.

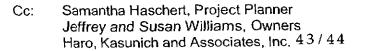
Please note that this determination may be appealed. Please contact me if you would like to file an appeal and I will provide guidance on how to proceed.

EXHIBIT P

Please call the undersigned at (831) 454-5121 if we can be of any further assistance.

Sincerely arolvn Banti

Associate Civil Engineer



THE GRE	SEAL OF THE COMPANY SEAL O	Plann Mais the 1 ga	OF SANTA CRUZ
Owne Addre	ss: 145 CRES	AND SUSAN WILLIAMS T DRIVE VILLE, CA 95076	Permit Number: <u>09-0060</u> Parcel Number(s <u>): 046-241-03</u>
PRO	IECT DESCRIPT	ION AND LOCATION	
2488 s garage Agricu APN's west, side o Drive)	square foot, 1 story e, located within the litural Buffer Detern 046-271-07 and 0- and about 140-feet f Crest Drive about	2 bedroom single family dwa e 200-feet agricultural buffers nination to reduce the require 46-271-24 to the northwest, a from APN 046-271-08 to the 2600-feet south west of San	com single family dwelling and to construct a elling with 1 attached garage and 1 detached to the north and west. Requires an ed 200-feet setback to about 120-feet from about 75-feet from APN 046-241-33 to the northwest. Property located on the southeast Andreas Road in Watsonville (145 Crest
		HED CONDITIONS	
APAC	Approval Date:	Sub	ective Date: <u>6/04/09</u> ject to final discretionary review if Zoning Admin.,
		Plar	the Devidentian terrentian d
		_	nning Com., or Board action is required.
Exp. I	Date (if not exercised):	_	astal Appeal Exp. Date: <u>call Coastal Com</u>
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Exp. 	This project requires may be appealed to t the decision body. This project requires Commission. (Groun with the Coastal Com action. Approval or c	see conditions Con a Coastal Zone Permit, which is no the Board of Supervisors. The appoint a Coastal Zone Permit, the approve ds for appeal are listed in the Coun amission within 10 business days of	astal Appeal Exp. Date: <u>call Coastal Com</u> t appealable to the California Coastal Commission. It
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