



## Staff Report to the Zoning Administrator

Application Number: **08-0122**

**Applicant:** Doug Silveira  
**Owner:** Karen Welsh  
**APN:** 042-203-16

**Agenda Date:** August 7, 2009  
**Agenda Item #:** **2**  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 75-square foot first story addition and a 749 square foot second story addition to an existing one-story single-family dwelling.

**Location:** Property located on the east side of Shoreview Drive about 700 feet west-northwest of the intersection with Aptos Beach Drive (240 Shoreview Drive).

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

**Permits Required:** Coastal Development Permit, Residential Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0122, 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) | H. Termination of Driveway Easement |

### Parcel Information

Parcel Size:	4,409 square feet
Existing Land Use - Parcel:	Single-Family Residential
Existing Land Use - Surrounding:	Single-Family Residential
Project Access:	Existing Driveway off Shoreview Drive
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-4) (Single-Family Residential -- 4,000 square foot minimum site area)

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

### **Environmental Information**

Geologic Hazards: *Not mapped/no physical evidence on site*  
Soils: *NRCS Type 125 (Danville Loam; 2-9%)*  
Fire Hazard: *Not Mapped Critical Fire*  
Slopes: *N/A*  
Env. Sen. Habitat: *No mapped resources; no resources observed on site*  
Grading: *No grading proposed*  
Tree Removal: *No tree removal proposed*  
Scenic: *Mapped scenic resource*  
Drainage: *Existing drainage adequate*  
Archeology: *No mapped/no physical evidence on site*

### **Services Information**

Urban/Rural Services Line:   X   Inside        Outside  
Water Supply: *Public*  
Sewage Disposal: *Public*  
Fire District: *Aptos-La Selva Beach Fire Protection District*  
Drainage District: *Zone 6*

### **History**

The subject parcel was created in 1926 as part of the Aptos Beach Country Club Subdivision No.5. The existing 1- story single-family dwelling was constructed in 1967-68 under building permit 6048. Permit 136750 was issued in 2004 to allow a 155 square foot first floor addition and 32 square foot covered porch.

### **Project Setting and Scope**

The subject parcel is about 4,400 square feet in area and is developed with an approximate 1,153 square foot one-story single-family dwelling and a detached 400 square foot garage. The garage is non-conforming with respect to the rear property line, encroaching about 12.5 feet into the required 15-foot rear yard setback. The garage is not significantly non-conforming in that no adjacent structures are located within 5 feet. The garage is also located 4 feet from the dwelling and is therefore non-conforming with respect to the 10-foot minimum required structural separation.

The lot is essentially flat. The residence takes primary access from Shoreview Lane, a county-maintained road. The property is zoned R-1-4 and is located in the Aptos Planning Area. The subject lot shares a 12-foot wide driveway with the parcel immediately to the southeast (APN 042-203-15) and each lot contains a garage at the rear of the parcel.

The subject proposal is to construct a 749 square foot second floor addition and a 75 square foot first floor addition to attach the existing garage to the dwelling. The project will result in a 3 bedroom, 2-story dwelling approximately 1,977 square feet in area, with attached 400 square foot garage. While the proposal to attach the non-conforming garage to the main dwelling will cause the main dwelling to be non-conforming, the non-conforming structural separation will be cured by the attachment. *It is not anticipated that the newly non-conforming dwelling will result in any hardship for either the residents or neighbors in that the overall degree of non-conformity is not being increased.* Additionally, the proposed dwelling is very close to the maximum allowed lot coverage and floor area ratio, so any future residential (net) addition of more than 400 square feet would likely require a variance. Therefore the County Code restrictions regarding additions of 800 square feet or more to a non-conforming structure will be moot.

The project will not involve any grading and will not result in any new impervious surface. While the residential addition includes the construction of a new bedroom, the house was originally built as a three-bedroom dwelling. One of the bedrooms was eliminated with the 2004 addition/remodel. Therefore the current proposal restores the bedroom count to that of the original house.

### **Zoning and General Plan Consistency**

The subject property is a 4,409 square foot lot, located in the R-1-4 (Single Family Residential – 4,000 square foot minimum site area) zone district, a designation that allows residential uses. The proposed addition is a principal permitted use within the zone district and the project is consistent with the R-UM (Urban Medium Residential) General Plan designation, which governs the portion of the parcel containing the dwelling and proposed addition.

### **Local Coastal Program Consistency**

The proposed residential addition is in conformance with the County's certified Local Coastal Program in that the construction is designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain both one and two story single-family dwellings. Size and architectural styles in the area vary widely and the design submitted fits well within the existing range. The property adjacent and to the south is developed with a single-story 1950s-era cottage with view architectural amenities. The house to the north is an imposing 2-story dwelling with a shed roof and vertical wood siding, which was popular in the late 1960s and 70s. The subject dwelling works well as a transition between the larger and more monolithic structure to the north and the single-story cottage to the south. The placement of the proposed second story further away from the street and lower floor extent as well as the use of open latticework at the second story balcony help to create a modest appearance and mitigate the bulk and mass of the proposed second floor addition. 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 residential addition complies with the requirements of the County Design Review Ordinance, in that the proposed construction would incorporate existing site and architectural design features of the existing dwelling, such as plaster finish and Spanish tile, and would be compatible with surrounding land uses. Although the addition presents an increased elevation view facing the adjacent single-story residence to the south, this side of the house does not currently present a great deal of articulation and is not a sensitive portion of the viewshed for the neighboring residence. Therefore, the increase in building height is not anticipated to negatively impact the residence to the south.

The second story is setback more than 10 feet from the first story and incorporates features such as an uncovered deck with pediment and open beams and low-pitched roof. These elements will soften the appearance of the second story addition from the street. It should also be noted that the proposed second story addition would result in a building height of 22 feet, well below the 28-foot maximum building height allowed under County Code for the site.

The adjacent residence to the north of the subject parcel is developed with a 2-story dwelling. The proposed addition is not incompatible with the existing mix of architectural features, bulk, scale or mass. The remaining residences in the vicinity are a mixture of single and 2-story dwellings of various architectural types and the proposed construction is entirely consistent with the range of styles and designs represented in the neighborhood. The proposal was reviewed and approved by the County Urban Designer.

## **Overheight Fence**

The proposal includes a 3-foot tall block wall at the front of the property with 6-foot posts and trellis atop the wall. Section 13.10.525 of the County Code states that walls and fences within the required front yard are limited to 3 feet in height, including ornamental and architectural projections. Therefore the proposed wall and trellis exceeds the allowable fence height. While two or three other properties in the immediate vicinity, including the properties immediately adjacent to the north and south, are developed with walls or hedges that exceed the 3-foot height restriction, there is no evidence that the required fence permits were obtained for these neighboring properties to allow them to exceed 3 feet.

The purposes of the height restriction include ensuring adequate visibility of vehicles entering and exiting driveways as well as preserving a harmonious and compatible street front appearance. The subject property is only 50 feet wide, less than the minimum 60-foot lot width; therefore site distance conflicts are more likely than would be the case if the lot had a much wider frontage. The issue of whether the proposed wall and trellis present a compatible street front appearance is also a concern on this site. While three properties in the immediate vicinity of the subject property do have unpermitted overheight fences and/or hedges, the rest of the neighborhood is developed with houses that have few if any fences at all. The resulting street appearance is a much more open, inviting style and presence than that displayed by the three houses with overheight fences/hedges. The overheight fence, particularly on narrow lots, creates a closed environment and eliminates the relationship between the dwelling and the streetscape.

Therefore, the proposed lattice does not appear to be harmonious and compatible with the street front throughout the neighborhood. Because of the design and safety concerns, a condition of approval has been included to limit the height of all fences or walls located within the front yard, to 3 feet as required by County Code.

### **Scenic Resource**

The majority of the project site is located in a mapped scenic resource area. The scenic area is associated with the potential ocean views. While the proposed second story addition represents an increase in building height, the proposed height is 22 feet, which is significantly less than the 28-foot maximum height allowed in the zone district. Additionally, the property directly across the street from the subject parcel contains several mature trees with full canopies, which provide effective visual screening. It should also be mentioned that the subject parcel is located nearly ½-mile from the beach and is situated within a developed neighborhood that contains structures of various heights. Therefore, it is unlikely that the proposal will impact the public viewshed from the ocean. The site is not visible from State Highway 1, a designed scenic corridor.

### **Shared Driveway**

The 12-foot driveway that serves the subject parcel has existed in its present configuration since the construction of the dwellings on the subject and adjacent lots in 1968 and 1958 respectively. A reciprocal easement was created in 2005 to formalize this historical shared use of the driveway.

Section 13.10.700-S of the County Code defines Net Site Area as the total site area less any public or private rights-of-way designated for vehicle access. Floor Area Ratio and Lot Coverage are calculated as percentages of Net Site Area. As currently proposed, the project entails a Floor Area Ratio (FAR) of about 48.8%, which is just under the 50% FAR allowed by County code. Deducting the shared easement from the Gross Site Area would cause the proposed addition to exceed the 50% limitation and therefore would render the proposal in conflict with the site standards for the zone district.

To preserve the square footage proposed by this project, and in response to discussions with Planning Department staff, the applicant elected to terminate the easement and return to the historical use of the driveway. It should also be noted that in reviewing and approving the 2004 residential addition to the existing dwelling, there was no discussion of any conflicts with required site standards as a result of the shared driveway.

While it may be feasible to eliminate the driveway and provide the required parking at the front of the parcel, the current configuration is aesthetically superior with all parking to the rear and out of view from the street.

## **Environmental Review**

The proposed residential addition is categorically exempt from review under the Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

## **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 **08-0122**, 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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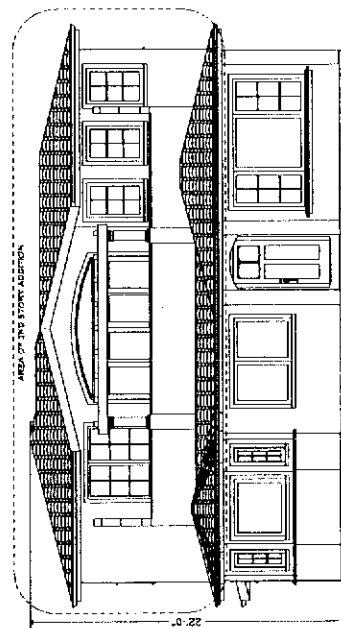




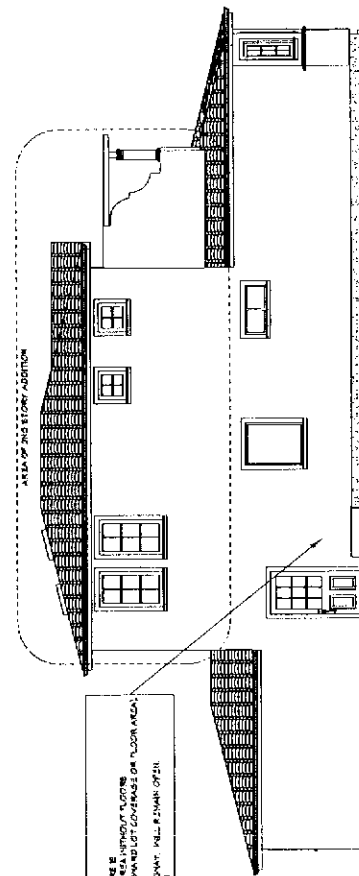


(P) ELEVATIONS

FRONT / WEST

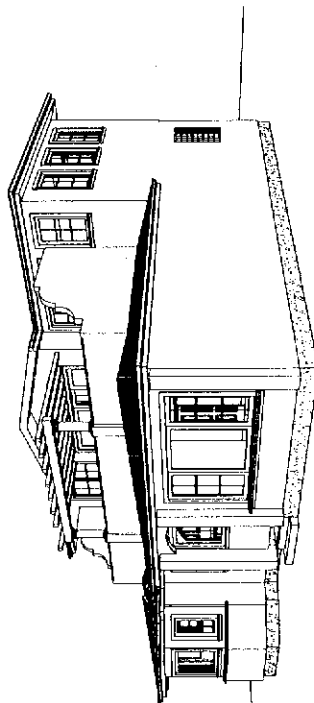


SIDE / NORTH

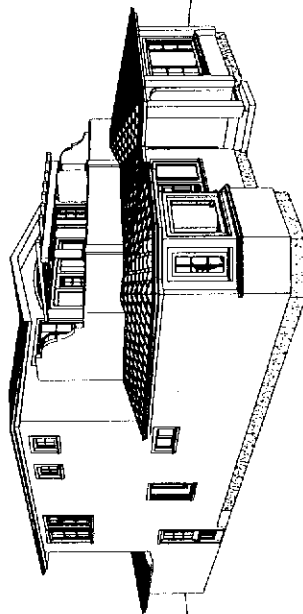


AREA OF 2ND STORY ADDITION  
AREA UNDER EAVES IS WITHIN FOOTING  
DOES NOT COUNT TOWARD LOT COVERAGE OR FLOOR AREA  
AREA HAS 15% RECESSED, PER 18.01.04.01  
OR 18.01.04.02, PER 18.01.04.01

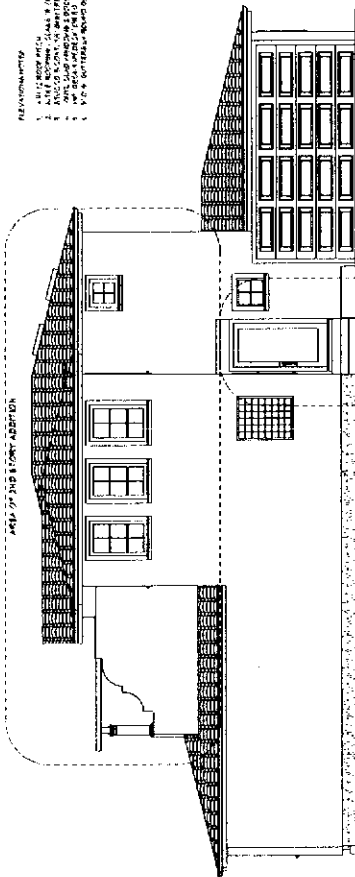
SOUTH EAST



SOUTH WEST



SIDE / SOUTH



AREA OF 2ND STORY ADDITION

AREA OF 2ND STORY ADDITION

REVISIONS  
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Santa Cruz Home Design  
DOUG SILVEIRA, AIA  
1300 Highway 170 Santa Cruz, CA 95062  
(531) 438-1510 (landline) 504@scruhome.com (email)

ADDITION / REMODEL FOR  
KAREN WELSH  
240 SHOREVIEW DRIVE  
ATFOL, CA 95025  
A.P.N. 043-205-16

PROJECT NUMBER  
A3

A4

ADDITION: NEW MODEL FORM  
KAREN HALLSH  
240 SHOREVIEW DRIVE  
ATC09, CA 94009  
APR. 04.2019

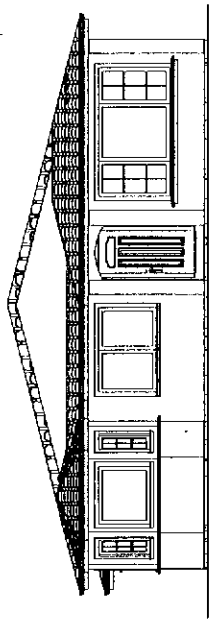
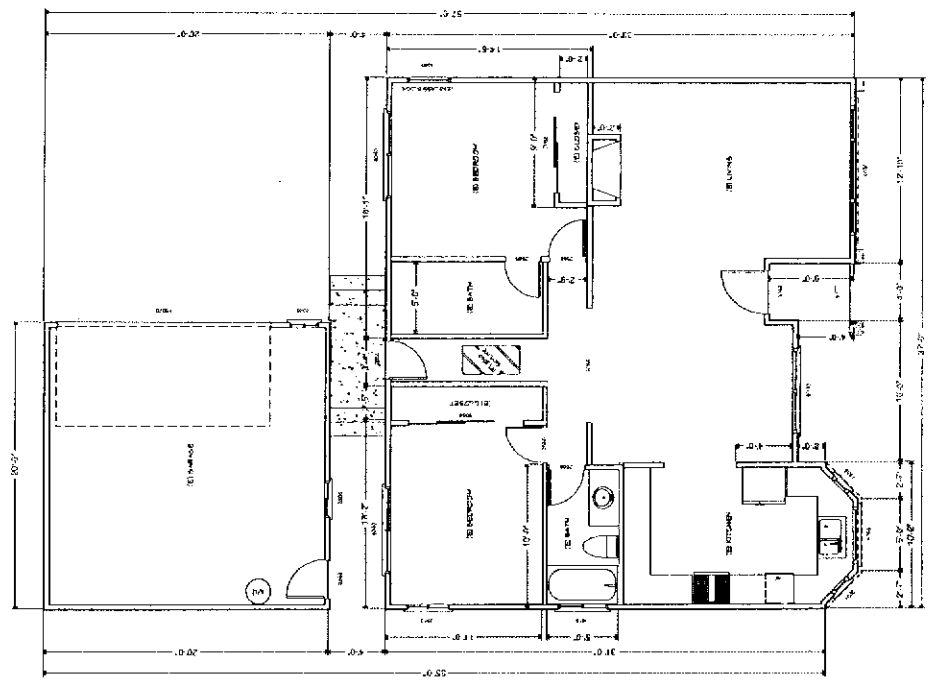
Santa Cruz Home Design  
DOUG SILVEIRA, AIA, D.  
110 KENNER FARM RD. SANTA CRUZ, CA 95062  
(408) 428-1430 (silveira) doug@prohomedesign.com (email)

(E) FLOOR PLAN  
& ELEVATIONS  
SCALE: 1/4" = 1'-0"

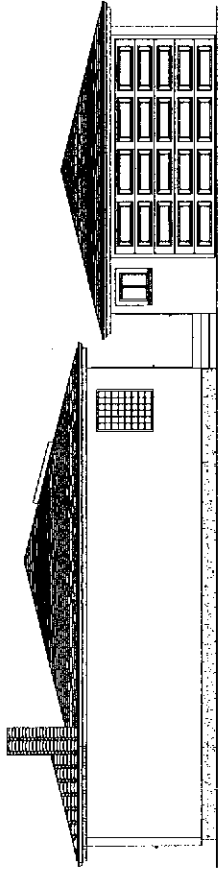
02 FLOOR PLAN

Legend:

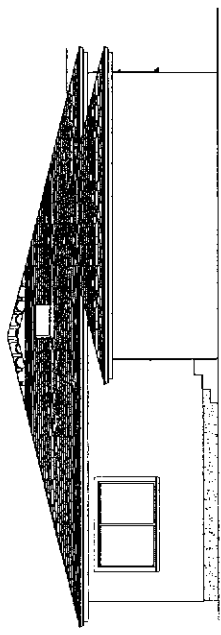
- WALL
- DOOR
- WINDOW
- STAIR
- CLIMBER
- SCREENED DOOR
- SCREENED WALL
- SCREENED FLOOR
- SCREENED CEILING



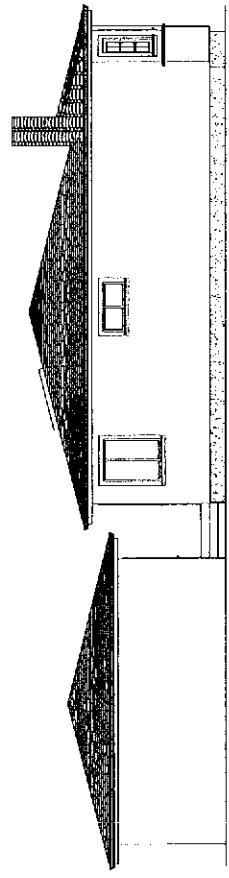
(01) FRONT ELEVATION



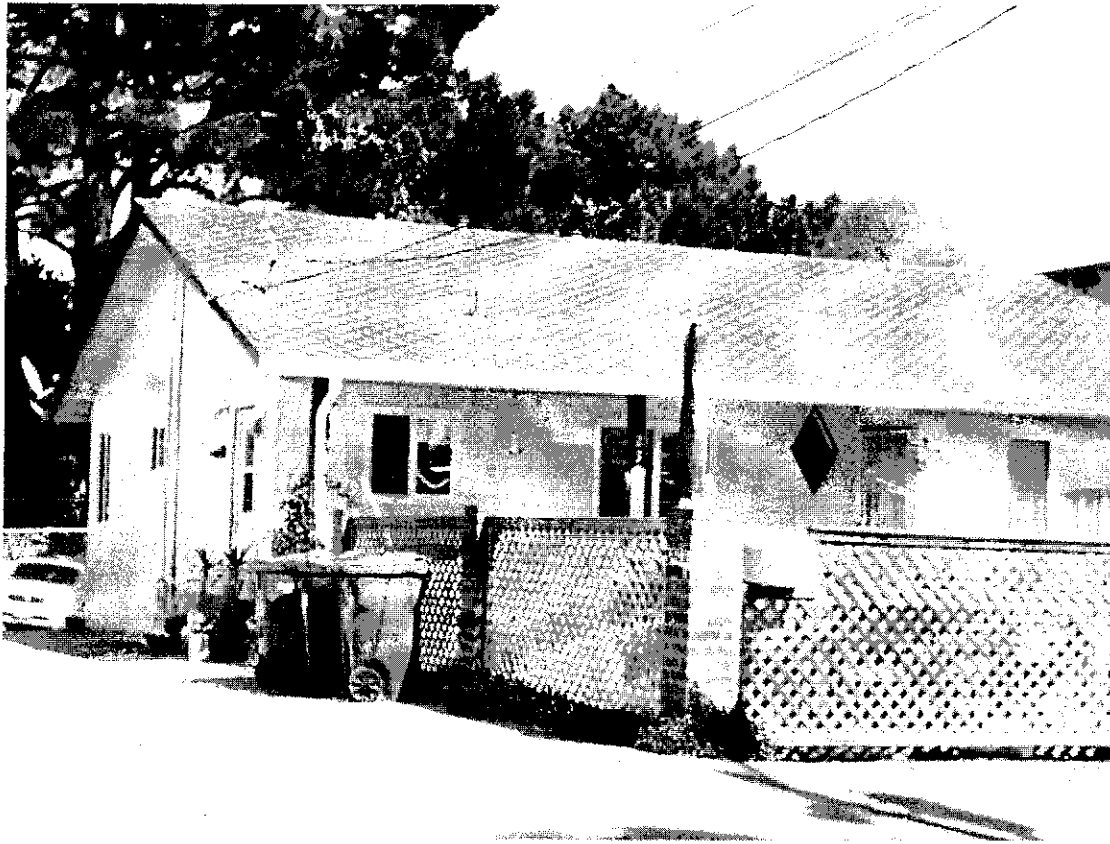
(02) SIDE ELEVATION



(03) REAR ELEVATION



(04) NORTH ELEVATION



Adjacent house to south, facing east-southeast



Facing south-southeast



Looking west from subject house



Subject SFD, facing north



Subject SFD, Facing east-northeast



Adjacent house to north, facing northeast

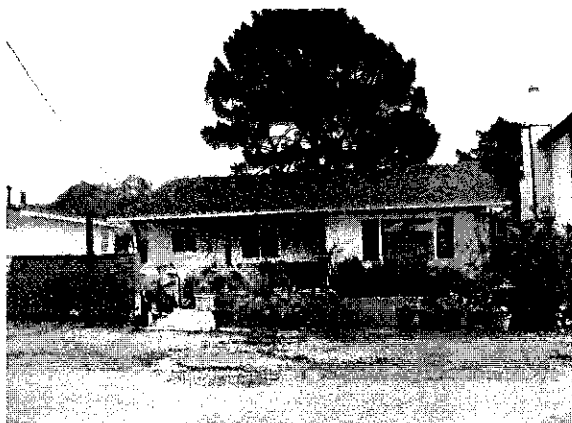
NEIGHBORHOOD PHOTOS ADJACENT TO AND ACROSS FROM 240 SHOREVIEW, APTOS



242 SHOREVIEW DRIVE (TO WEST)



240 SHOREVIEW DRIVE (SUBJECT PROPERTY)



238 SHOREVIEW DRIVE (TO EAST)



218 SHOREVIEW DRIVE (ACROSS STREET TO EAST)



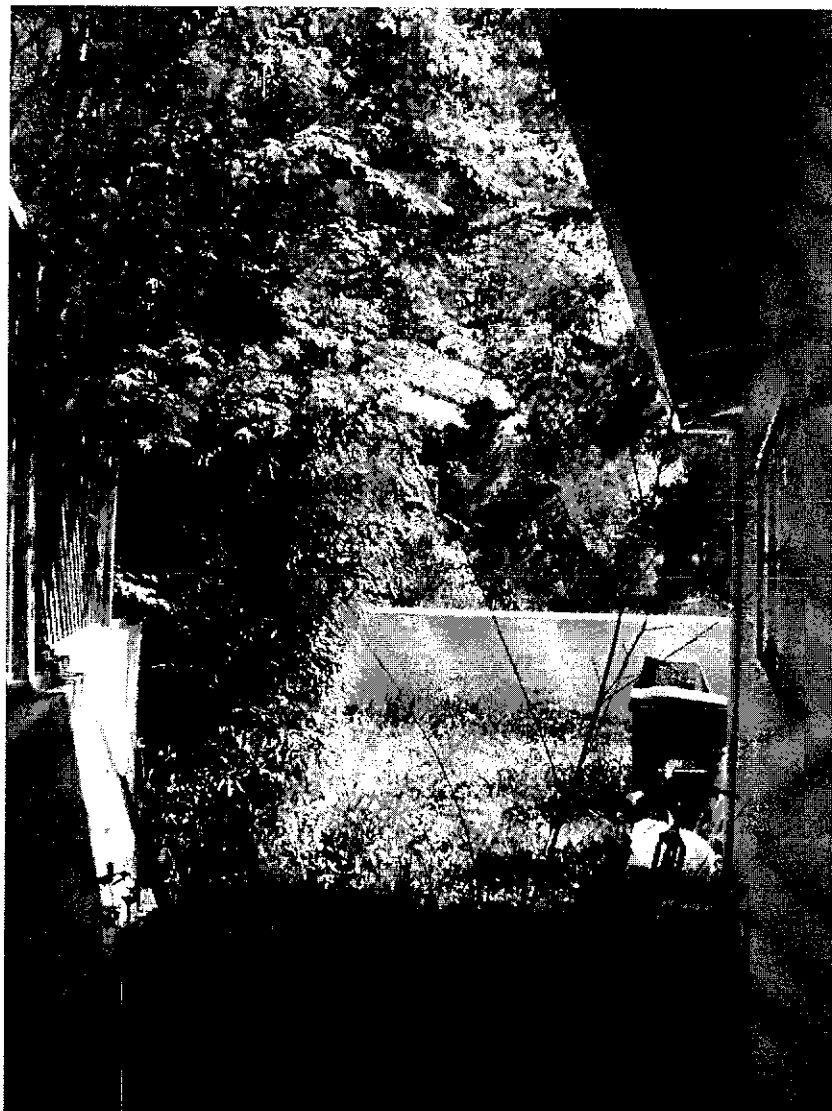
214 SHOREVIEW DRIVE (ACROSS STREET TO SOUTH)





08-0122 240 Shoreview Drive APN 042-203-16



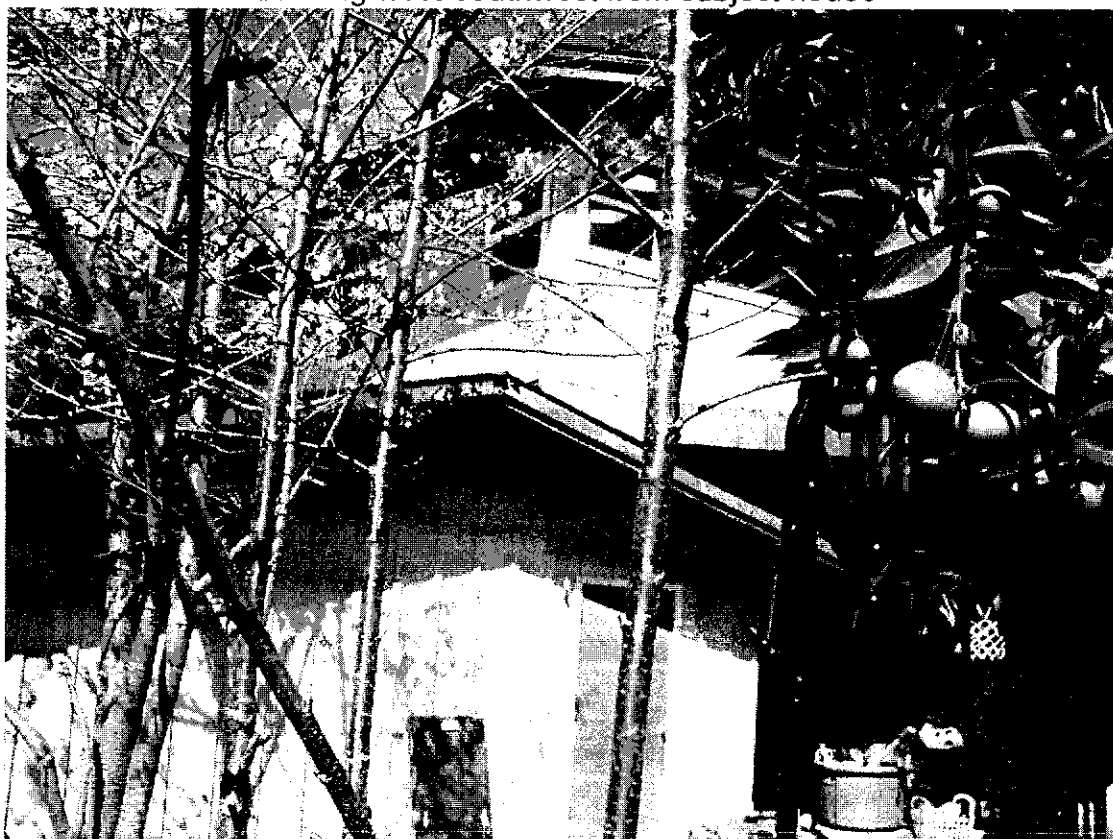


Rear of the subject SFD, looking south





Looking west-southwest from subject house



Adjacent house to north, facing north

## **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-1-4 (Single Family Residential – 4,000 square minimum site area), a designation which allows residential uses. The proposed residential addition is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low 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. While a previous easement existed to memorialize the shared driveway, the easement has since been extinguished (see Exhibit H).

- 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 match those of the existing dwelling and will thus be complementary to the site; the development site is not on a prominent ridge, beach, or bluff top. The second story has been set back more than 10 feet from the first floor, and creates an overall building height of 22 feet, which is below the 28-foot height limit allowed on this site.

- 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 proposed residential addition 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 proposed addition is sited and designed to be visually compatible, in scale with, and integrated with the existing single-family residence and with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-4 (Single Family Residential – 4,000 square foot minimum site area) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain both 1-story and 2-story 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 proposed addition is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residential addition will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the new construction meets all current setbacks and building height limitations that ensure access to light, air, and open space in the neighborhood. While 28 feet is the maximum allowable building height in this location, the proposed addition will only be 22 feet in height and therefore is not expected to significantly impact the single-story residence to the south.

- 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 residential addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (Single Family Residential – 4,000 square foot minimum site area) 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. Although the existing garage is non-conforming with respect to the rear yard setback and required separation from the main dwelling, the proposed addition is conforming to all setbacks and will cure the separation nonconformity by attaching the two structures.

- 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 R-UM (Urban Medium Residential) land use designation in the County General Plan.

The proposed residential addition 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 addition meets the required building height standards for the zone district and 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 residential addition 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 residential addition will comply with all required site standards for the R-1-4 zone district (including setbacks, lot coverage, floor area ratio, 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 residential addition is to be constructed on an existing developed lot. The addition is not anticipated to generate any increase in the number of trips compared to the present use on the site.

**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 residential addition is located in a mixed neighborhood containing a variety of architectural styles and building heights, the addition will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood in the vicinity. The proposed construction will result in a 2-story structure in a mixed neighborhood of 1 and 2-story homes.

**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 residential addition will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The addition matches the architectural and design features of the existing residence. The Spanish Eclectic architectural style of the existing house and proposed addition incorporate tiled roofing that is both gabled and hipped, creating visual interest. The second story balcony is set back from the first story to reduce the visual impact of the addition and includes an overhead trellis that further enhances the appearance from the street.

## Conditions of Approval

Exhibit A: Project plans, 4 sheets: by Santa Cruz Home Design, dated 3/19/08, revised 5/01/09.

- I. This permit authorizes the construction of a first floor 75 square foot residential addition and a second story 749-square foot residential addition to an existing one-story single-family dwelling. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
    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.
  - C. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
- 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, drainage, and erosion control plans.
    3. The following setbacks shall be indicated on the building plans and shall be met in the construction of the proposed addition: 15 feet front yard, 5 feet side yards, 15 feet rear yard. (The existing garage remains nonconforming with respect to the rear yard setback).

4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 22 feet as shown on Exhibit A.
  5. Details showing compliance with fire department requirements.
- 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. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Stormwater Management. Fees will be assessed on the net increase in impervious area.
  - D. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
  - E. 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.
  - F. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

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

IV. Operational Conditions

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



- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the 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 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: \_\_\_\_\_

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

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

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Robin Bolster-Grant  
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: 08-0122

Assessor Parcel Number: 042-203-16

Project Location: 240 Shoreview Drive, Aptos

**Project Description: Proposal to construct a 75-square foot first floor addition and 749 square foot second floor addition to an existing 1-story single-family dwelling**

**Person or Agency Proposing Project: Doug Silveira**

**Contact Phone Number: (831) 426-7470**

- 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:

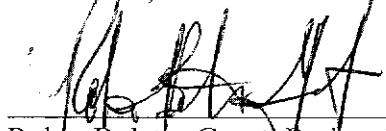
E. ☒ **Categorical Exemption**

Specify type: Existing Facilities, CEQA Guidelines Section 15301(e)

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

Proposal involves a residential addition, which is less than 50% of the floor area of the existing residence, less than 2,500 square feet and not located in an environmentally sensitive area.

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

  
Robin Bolster-Grant, Project Planner

Date: 6-29-09

# FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS.

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POR. APTOS RANCHO  
SEC. 18, T. 11S., R. 1E, M.D.B. & M.

Tax Area Code  
69-273

42-20

APTOS BEACH COUNTRY CLUB  
SUB NO. 2  
23MB4 B20725

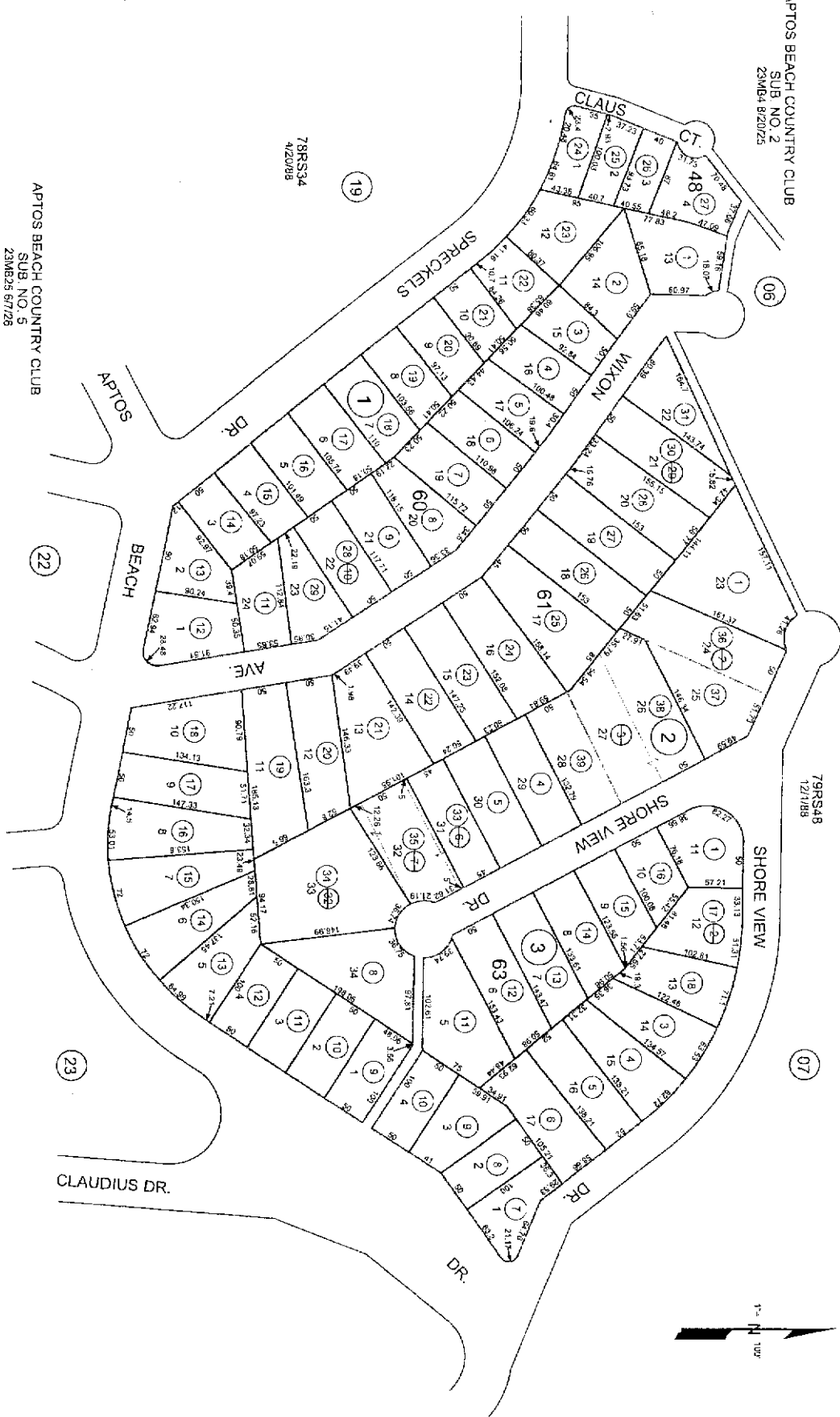
79RS48  
12/1/88

APTOS BEACH COUNTRY CLUB  
SUB NO. 5  
23MB25 6/7/26

Electronically Redrawn 1/26/99  
Rev. 6/26/02 DD (2-0918124 & 25, 2-36 & 37)  
Rev. 10/17/03 mmm (for 10 st. name)  
Rev. 11/3/04 mmm (4-0540772, 5c, 2-38 & 39)

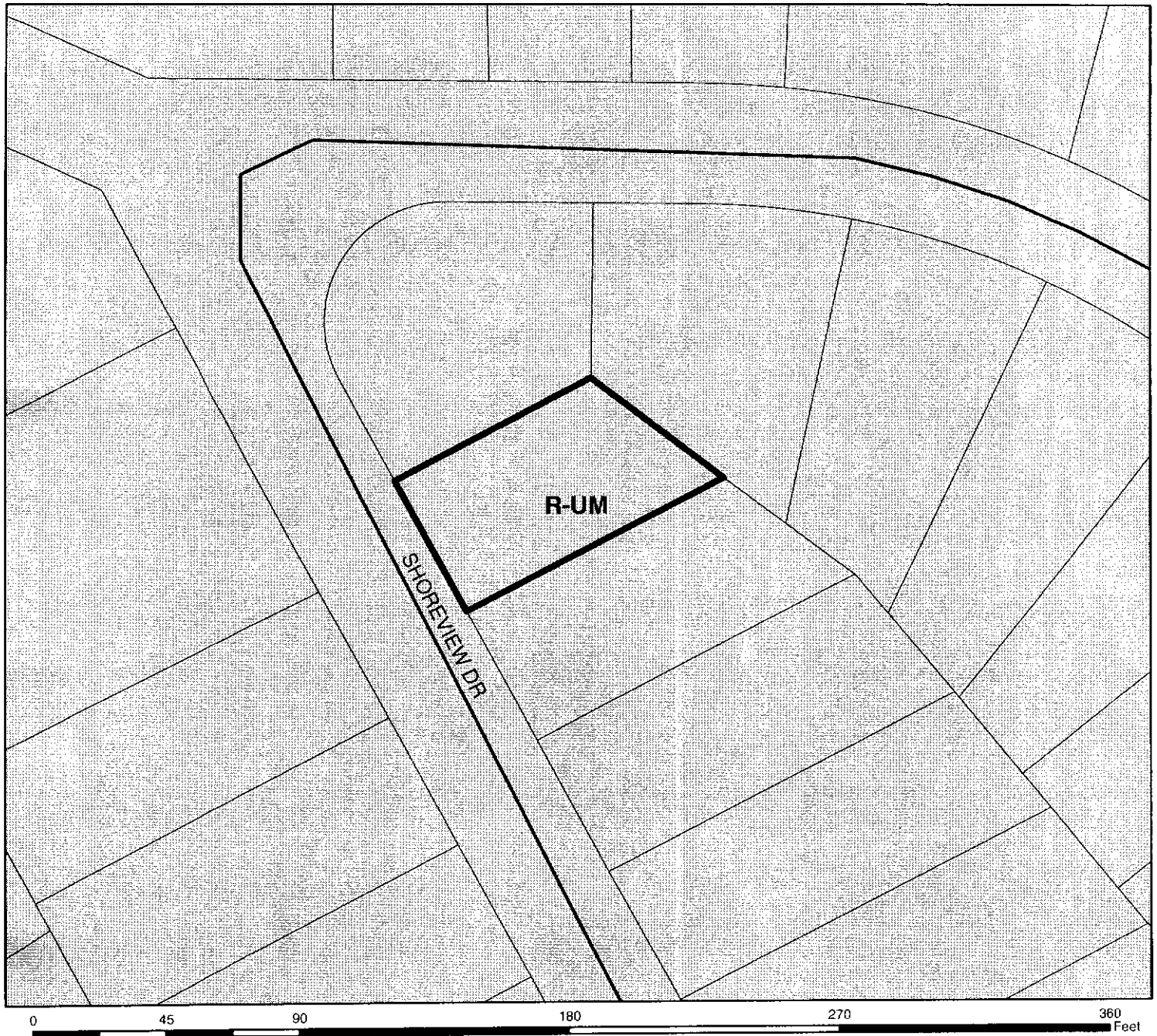
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 42-20  
County of Santa Cruz, Calif.  
January, 1999







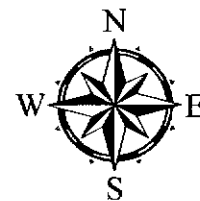


# General Plan Designation Map



## LEGEND

-  APN: 042-203-16
-  Assessors Parcels
-  Streets
-  Residential - Urban Medium Density

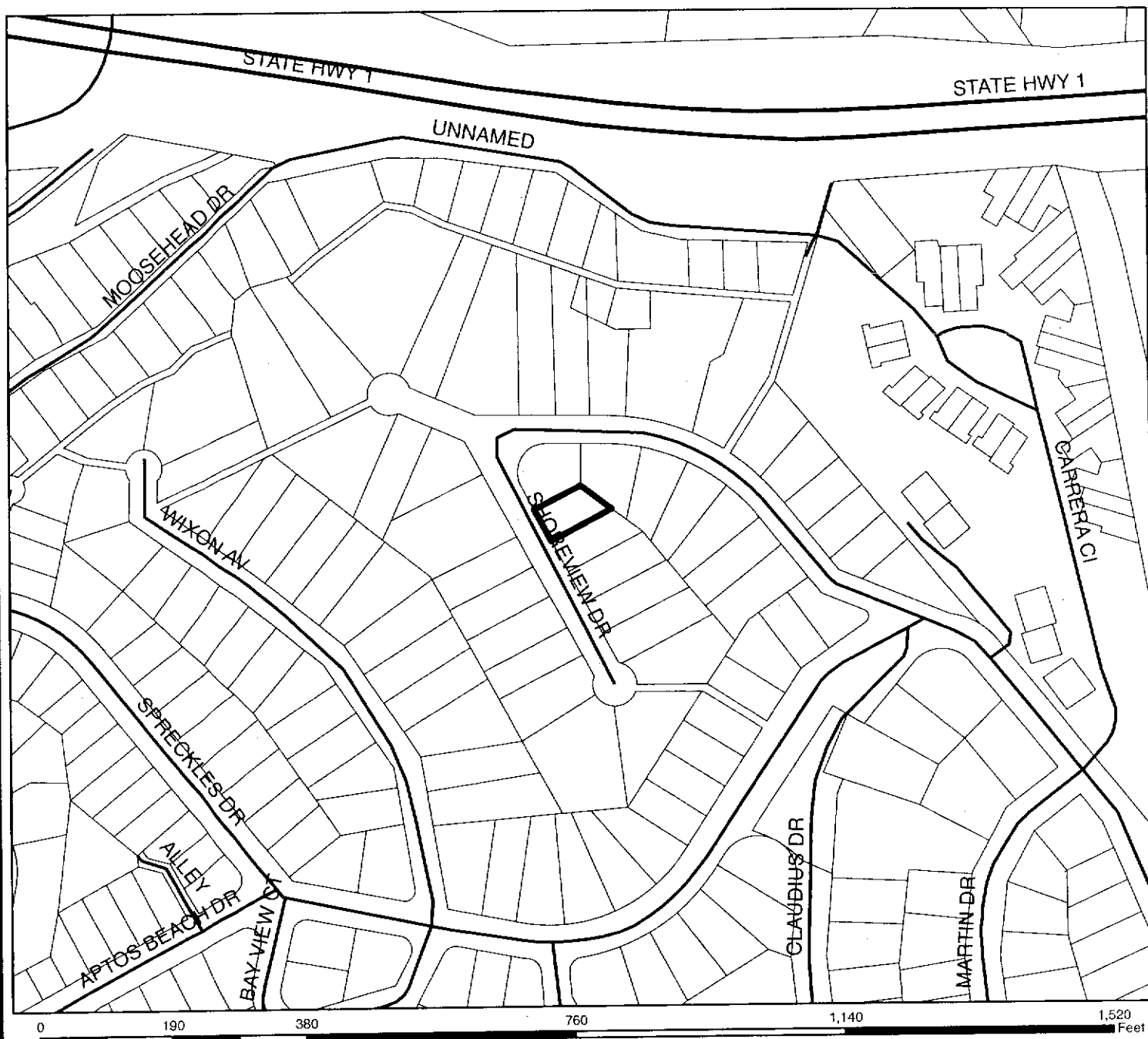


Map Created by  
County of Santa Cruz  
Planning Department  
April 2008





**EXHIBIT E**

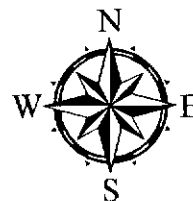


# Location Map



## LEGEND

-  APN: 042-203-16
-  Assessors Parcels
-  Streets
-  State Highways



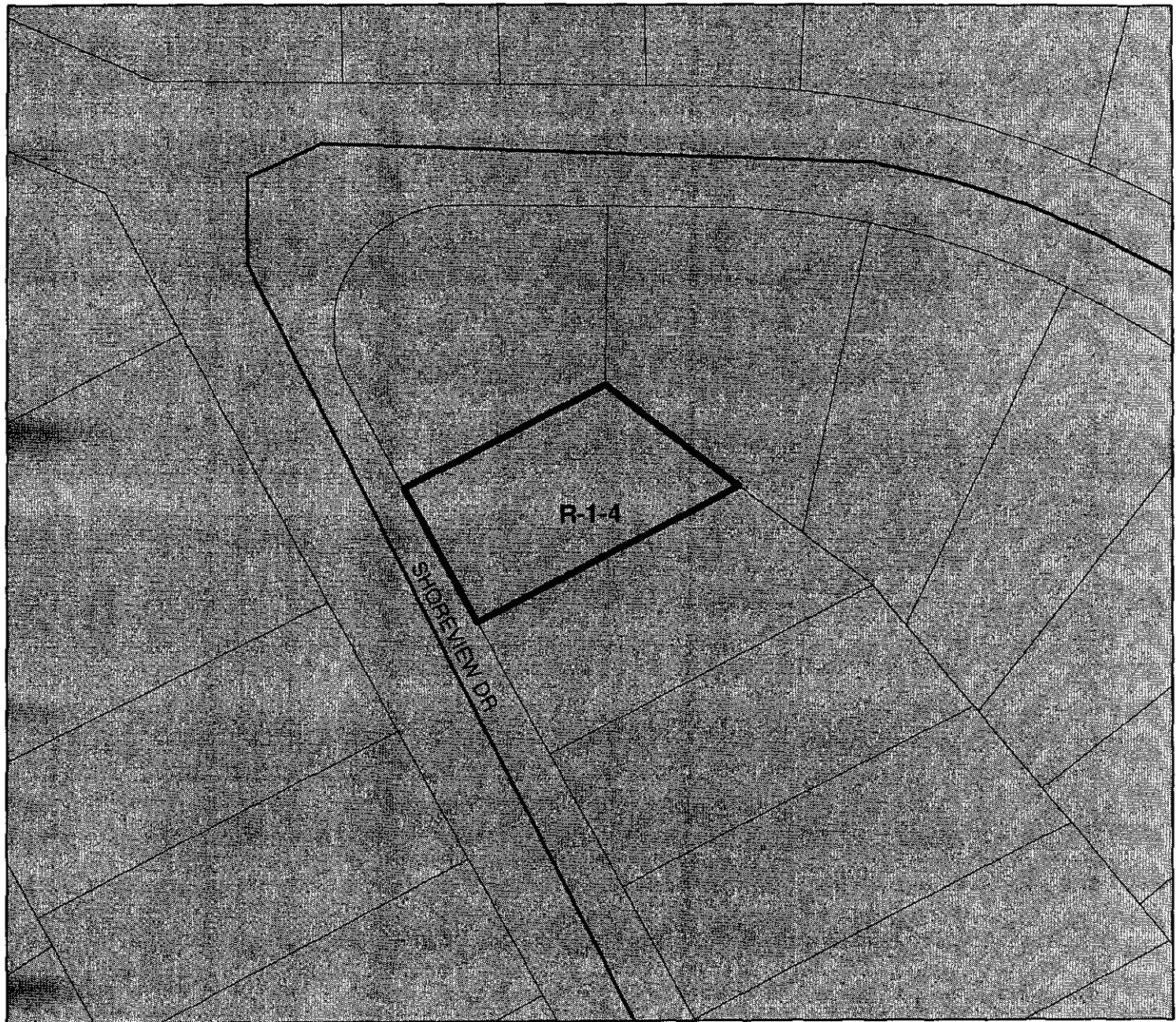
Map Created by  
County of Santa Cruz  
Planning Department  
April 2008

**EXHIBIT F**









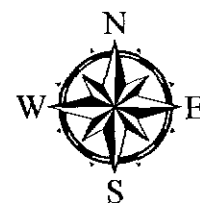
# Zoning Map



0 45 90 180 270 360 Feet

## LEGEND

-  APN: 042-203-16
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY



Map Created by  
County of Santa Cruz  
Planning Department  
April 2008

EXHIBIT F

C O U N T Y   O F   S A N T A   C R U Z  
Discretionary Application Comments

Project Planner: Robin Bolster  
Application No.: 08-0122  
APN: 042-203-16

Date: July 7, 2009  
Time: 14:50:34  
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON APRIL 10, 2008 BY ANTONELLA GENTILE =====  
NO COMMENT

Environmental Planning Miscellaneous Comments

- ===== REVIEW ON APRIL 10, 2008 BY ANTONELLA GENTILE =====
1. Although this site is mapped for the presence of Dudley's lousewort, this species is not expected to occur in this area because of the disturbed urban setting.
  2. Although this site is mapped for the presence of archeological resources, an archeological assessment is not required because the proposed work is generally within the existing home footprint.
  3. Prior to issuance of the building permit, a soils report shall be submitted to Environmental Planning for review and approval.
  4. Prior to issuance of the building permit, the soils engineer shall provide a plan review letter referencing the final revised set of plans and stating that they conform to the recommendations in the soils report.
  5. This project shall comply with all recommendations of the approved soils report.

Dpw Drainage Completeness Comments

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

===== REVIEW ON APRIL 10, 2008 BY TRAVIS RIEBER =====  
NO COMMENT

===== UPDATED ON JUNE 9, 2009 BY TRAVIS RIEBER =====  
The plans with revisions dated 10/22/08 have been received and are approved for the discretionary application stage please see the miscellaneous comments for issues to be addressed at the building application stage.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON APRIL 10, 2008 BY TRAVIS RIEBER =====

1. How does the existing home runoff drain? Are there any problems? Show the existing site drainage pattern and any changes as a result of this project. All drainage features should be shown on the plans.
2. Is the drain pipe shown in the front of the house existing all the way to the bubbler at the driveway? If not additional requirements will be necessary at the building permit stage.
3. Does this site currently receive any runoff from adjacent parcels? If so, how will the project continue to accept this runoff without causing adverse impacts.

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 08-0122  
APN: 042-203-16

Date: July 7, 2009  
Time: 14:50:34  
Page: 2

4. For fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON JUNE 9, 2009 BY TRAVIS RIEBER =====

1. For fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

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

Dpw Road Engineering Completeness Comments

===== REVIEW ON APRIL 4, 2008 BY ANWARBEG MIRZA ===== 1. Show limits of asphalt concrete along the face wall of existing building(s). Please provide evidence of mutual easements that will give 16 feet wide driveway to be shared between two adjacent property owners. ===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====

NO COMMENT.

===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====  
Application is complete at discretionary level.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON APRIL 4, 2008 BY ANWARBEG MIRZA =====  
NO COMMENT

===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====  
NO COMMENT

===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====  
NO COMMENT

Dpw Sanitation Completeness Comments

===== REVIEW ON APRIL 7, 2008 BY CARMEN M LOCATELLI =====



Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 08-0122  
APN: 042-203-16

Date: July 7, 2009  
Time: 14:50:34  
Page: 3

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON APRIL 7, 2008 BY CARMEN M LOCATELLI =====

Show all existing and proposed plumbing fixtures on floor plans of building application.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application

Aptos-La Selva Beach Fire Prot Dist Completeness C

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

===== REVIEW ON APRIL 2, 2008 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED

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

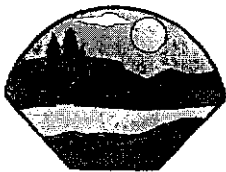
Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

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

===== REVIEW ON APRIL 2, 2008 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 2, 2008

Planning Department  
County of Santa Cruz  
Attention: Robin Bolster-Grant  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: APN: 42-203-16 / Appl #08-0122  
240 Shoreview Drive

Dear Ms. Bolster-Grant:

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

- 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 re-submitted 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 BUILDING PERMIT**.

**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-N, Sprinklered)"

**NOTE** on the plans "the **REQUIRED** and **AVAILABLE FIRE FLOW**. FIRE FLOW requirements for this project is **1,000 gallons per minute**. The 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 m<sup>2</sup>) 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 (344.5m<sup>2</sup>) shall not be less than that specified in Appendix Table B105.1 of the California Building Code".

IF required fire flow is not available, **NOTE** on the plans, "**To mitigate the lack of the required fire flow, the entire structure shall be protected by an automatic fire sprinkler system through all portions of the structure, complying with the currently adopted edition of NFPA 13-D and adopted standards of the Aptos/La Selva Fire Protection District.**"

**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 "An automatic sprinkler system shall be provided in Group R Division 3 dwellings when a building permit is issued to allow additions to be made to increase the total existing square footage by more than 50%. Additions 500 square feet and less are exempt from fire sprinkler requirements unless the structure is already protected by a fire sprinkler system."

**IF SPRINKLERED:**

**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 in the NEW & EXISTING AREAS 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."

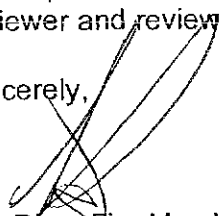
**NOTE** on the plans "a 30-foot clearance shall be maintained with non-combustible vegetation around all structures or to the property line whichever is a shorter distance.

**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 on-site 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 Dias, Fire Marshal  
Fire Prevention Division  
Aptos/La Selva Fire Protection District

Cc: Karen Welsh  
240 Shroevew Drive  
Aptos, CA 95003

Cc: Doug Silveira  
170 Marine Parade  
Santa Cruz, CA 95062

## INTEROFFICE MEMO

APPLICATION NO: 08-0122

Date: April 8, 2008

To: Robin Bolster-Grant, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Residential addition at 240 Shoreview Drive, Aptos

Design Review Authority

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

Design Review Standards

**13.20.130** Design criteria for coastal zone developments

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

<b>Rural Scenic Resources</b>			
<b>Location of development</b>			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
<b>Site Planning</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 communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
<b>Building design</b>			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
<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			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and			N/A

shall incorporate materials and finishes which harmonize with the character of the area. Natural materials 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.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property *located adjacent to a scenic road or within the viewshed of a scenic road* as recognized in the General Plan; or located on a coastal bluff, or on a ridgeline.

**Design Review Standards**

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Site Design</b>			
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			N/A
Landscaping	✓		
Streetscape relationship			N/A
Street design and transit facilities			N/A
Relationship to existing structures	✓		
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		

<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
<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.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<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	✓		
<b>Solar Design</b>			
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	✓		
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RECORDING REQUESTED BY:

Karen Welsh

WHEN RECORDED MAIL TO:

Karen Welsh  
240 Shoreview Drive  
Aptos, CA 95002

APN: 042-203-16 and 042-203-15

**TERMINATION OF SHARED DRIVEWAY AGREEMENT  
AND GRANT OF EASEMENT**

THIS AGREEMENT is made and entered into on this 6<sup>TH</sup> day of <sup>MAY</sup> April, 2009, by and between KAREN WELSH, a single woman, (WELSH), and HAROLD R. FAULKNER and NANCY ~~H~~<sub>K</sub> FAULKNER, husband and wife as joint tenants (FAULKNER).

RECITALS

A. WELSH is the owner of that certain real property located in the County of Santa Cruz, State of California, commonly known as 240 Shoreview Drive, Aptos, California, with the Assessor's Parcel Number of 042-203-16, and more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (Welsh Property).

B. FAULKNER is the owner of that certain real property located in the County of Santa Cruz, State of California, commonly known as 238 Shoreview Drive, Aptos, California, with the Assessor's Parcel Number of 042-203-15, and more particularly described in Exhibit "B", attached hereto and incorporated herein by this reference (Faulkner Property).

C. The Faulkner Property is adjacent to and contiguous with the Welsh Property, and the Welsh Property and the Faulkner Property have a shared driveway for ingress and egress to the rear of their properties. The owners of both properties have historically used the shared driveway ingress/egress since "Subdivision No. 5, Aptos Beach Country Club Properties, Aptos, Santa Cruz County, California", was recorded in Santa Cruz County of June 7, 1926, in Map Book 23, Page 25, Santa Cruz County.

D. In February of 2005, FAULKNER, Richard C. Abrams (a previous owner of a 20% interest in the Faulkner Property, and Paul Louis Malandra, Trustee of the Paul Louis

Malandra Trust, (the predecessor-in-interest to the Welsh Property) executed that certain Shared Driveway Agreement and Grant of Easement to formally memorialize in recorded fashion the rights and privileges historically enjoyed by the owners of both properties.

E. The parties to this Agreement desire to return to the informal and cooperative sharing of the right-of-way previously and historically enjoyed by the owners of the properties, but without the necessity of a formal express easement running with the land, and recorded in the Official Records of Santa Cruz County. Accordingly, the parties desire to abandon and terminate the Shared Driveway Agreement and Grant of Easement document, while agreeing to continue the historical use of the right-of-way between them.

NOW, THEREFORE the parties agree as follows:

1. Termination of Easement. The parties hereby on behalf of themselves, their heirs, successors and assigns, release, relinquish, waive and quitclaim each to each other their rights and interest contained in that certain Shared Driveway Agreement and Grant of Easement recorded in the Official Records of Santa Cruz County in February, 2005 as Document Number 2005-0010472.

2. Recognition and Permission to Use Right-of-Way. The parties hereby recognize and acknowledge and permit each other to continue to use by permission each to the other the shared driveway between them for purposes of ingress and egress on a cooperative and permissive basis.

3. Binding Upon. The termination of the Shared Driveway Agreement and Grant of Easement and release thereto shall bind and inure to the benefit of the respective heirs, personal representatives, assigns and successors in interest of each of the parties.

4. Merger Clause. This Agreement contains the sole and entire agreement of the parties, and correctly sets forth the rights, duties and obligations of each to the other. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are hereby superseded and of no force and effect.

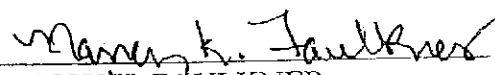
5. Jurisdiction. This Agreement shall be interpreted and enforced pursuant to the laws of the State of California.

6. Cooperation. The parties to this Agreement agree to cooperate with each other in the continual use of the shared right-of-way between them, and allocate between them maintenance duties and costs of same, in an equitable and fair manner. The parties further agree to execute, acknowledge and deliver all instruments and perform all acts reasonably required to carry out the intent hereof.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day  
and year first above written.

  
KAREN WELSH

  
HAROLD R. FAULKNER

  
NANCY K. FAULKNER  
K. rst

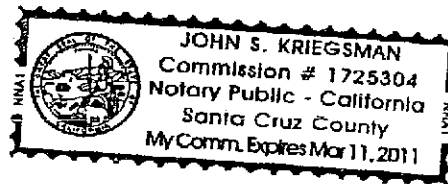
STATE OF CALIFORNIA, )  
 ) ss.  
COUNTY OF SANTA CRUZ )

On MAY 6<sup>TH</sup>, 2009, before me, John S. Kriegsmann, the undersigned Notary Public for the State of California, personally appeared KAREN WELSH, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

Witness my hand and official seal.

John S. Kriegsmann  
Notary Public



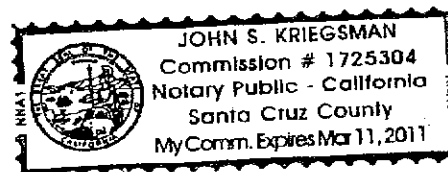
STATE OF CALIFORNIA, )  
 ) ss.  
COUNTY OF SANTA CRUZ )

On MAY 6<sup>TH</sup>, 2009, before me, John S. Kriegsmann, the undersigned Notary Public for the State of California, personally appeared HAROLD R. FAULKNER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

Witness my hand and official seal.

John S. Kriegsmann  
Notary Public



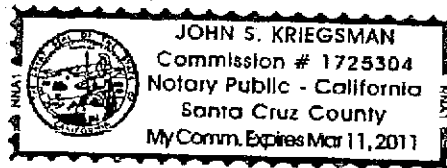
STATE OF CALIFORNIA, )  
 ) ss.  
COUNTY OF SANTA CRUZ )

On MAY 6<sup>TH</sup>, 2009, before me, JOHN S. KRIEGER, the undersigned Notary Public for the State of California, personally appeared NANCY M. FAULKNER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraphs is true and correct.

Witness my hand and official seal.

John S. Vaz  
Notary Public



## EXHIBIT "A"

The land referred to herein is described as follows:

Real property in the unincorporated area of the County of Santa Cruz, State of California, described as follows:

BEING LOT 10, BLOCK 63, AS THE SAME IS SHOWN AND DESIGNATED ON THAT CERTAIN MAP ENTITLED "SUBDIVISION NO. 5, APTOS BEACH COUNTRY CLUB PROPERTIES, APTOS, SANTA CRUZ COUNTY, CALIFORNIA" FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER ON JUNE 7, 1926 IN MAP BOOK 23, PAGE 25, SANTA CRUZ COUNTY RECORDS.

EXCEPTING THEREFROM ALL MINERAL RIGHTS AS RESERVED IN THE DEED RECORDED FEBRUARY 23, 1954, IN BOOK 955, PAGE 404, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

APN: 042-203-16

## EXHIBIT "B"

The land referred to herein is described as follows:

Real property in the unincorporated area of the County of Santa Cruz, State of California, described as follows:

BEING LOT 9, BLOCK 63, AS THE SAME IS SHOWN AND DESIGNATED ON THAT CERTAIN MAP ENTITLED "SUBDIVISION NO. 5, APTOS BEACH COUNTRY CLUB PROPERTIES, APTOS, SANTA CRUZ COUNTY, CALIFORNIA" FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER ON JUNE 7, 1926 IN MAP BOOK 23, PAGE 25, SANTA CRUZ COUNTY RECORDS.

APN: 042-203-15