

## Staff Report to the **Zoning Administrator**

Application Number: 111104

**Applicant:** Derek Van Alstine

Agenda Date: September 16, 2011

Owner: Richard Novak

Agenda Item #: 2

APN: 033-151-09

Time: After 10:00 a.m.

**Project Description**: Proposal to demolish 767 square feet of an existing single-family dwelling and garage, and to construct a 909 square foot single story addition, including an attached garage, resulting in a 1,372 square foot single-family dwelling with a 667 square foot attached garage.

Location: The property is on the ocean side of Opal Cliffs Drive approximately 2,000 feet northeast of the intersection of Opal Cliffs Drive and 41st Avenue.

Supervisorial District: 1st District (District Supervisor: John Leopold)

Permits Required: Coastal Development Permit

Technical Reviews: Geotechnical and Geologic Reviews

### **Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111104, based on the attached findings and conditions.

### **Exhibits**

A. Project plans E. Assessor's, Location, Zoning and

General Plan Maps

**Findings** В.

C. Conditions

Categorical Exemption (CEQA D

determination)

### Parcel Information

Parcel Size:

10,193 square feet (gross)

Existing Land Use - Parcel:

residential

Existing Land Use - Surrounding:

residential

Project Access:

Driveway off of Opal Cliff Drive

Planning Area:

Live Oak

Land Use Designation:

Zone District:

Coastal Zone:

Appealable to Calif. Coastal Comm.

R-UM (Urban Medium Residential)

R-1-5 (single-family residential)

X Inside \_\_ Outside

X Yes \_\_ No

### **Environmental Information**

Geologic Hazards:

Coastal Bluff erosion geologic hazard-assessment done

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes:

On coastal bluff

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource

Drainage:

Existing drainage adequate

Archeology:

Not mapped/no physical evidence on site

### **Services Information**

Urban/Rural Services Line:

X Inside Outside

Water Supply:

Soquel Water District

Sewage Disposal:

County Sanitation District

Fire District:

Central Fire

Drainage District:

Zone 5

### History

It is estimated that the existing residence was built in 1938, prior to permit requirements. An older seawall, constructed sometime in the late 1970s or early 80s (Rodgers E. Johnson Geologic Report dated February 8<sup>th</sup>, 2011), extends onto the parcel from its upcoast side and another seawall, built in 1985, extends to the property from the downcoast side. A Coastal Permit is currently being reviewed by the Coastal Commission for new seawall elements and repairs to the existing seawalls as needed.

### **Project Setting**

The subject property sits on top of the Opal Cliff coastal bluff, an elevated marine terrace between 41<sup>st</sup> Avenue and Capitola. The bluff in this location is approximately 50 feet high and very steep. Over time, wave action has undercut the base of the bluff, resulting in gradual bluff retreat. The existing seawalls on the ocean side of the property have not been maintained and are in need of repair. A Coastal Permit is being process concurrently (Coastal Commission jurisdiction) for a new seawall which will be designed to prevent further erosion at the toe of the bluff.

The geotechnical report for the proposed residential addition (updated February the 8<sup>th</sup>, 2011) states that if the seawall(s) are properly maintained and repaired, the estimated 100-year bluff top retreat should be 28 feet. Some of the existing residence will continue to be within the estimated 100-year retreat zone, however the proposed addition is outside of this area, and the project will result in a net

reduction of the square footage that is within the bluff setback area

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

The subject property is a parcel of approximately 10,193 gross square feet, located in the R-1-5 (single-family residential) zone district, a designation that allows residential uses. The proposed addition to a single-family dwelling is a permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

### **Local Coastal Program Consistency**

The proposed addition to a 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 and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is within the existing range. The project site is located between the shoreline and the first public road but it is not identified as a priority acquisition site in the County's Local Coastal Program, and the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. The proposed demolition and addition will result in a reduction in the square footage of habitable space that is located within the bluff setback (the estimated 100-year retreat line).

### **Design Review**

The proposed addition to a single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as single-story construction and clapboard siding in a neutral color to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Its size and massing will be compatible with other development in the vicinity.

### **Environmental Review**

Environmental evaluation of the proposed project pursuant to the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is eligible for a Categorical Exemption under CEQA Section 15301, Existing Facilities. This Categorical Exemption applies because the project is an addition and alteration to an existing structure that does not result in an increase of greater than either 50% of the floor area or 2,500 square feet.

### 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 111104, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

Report Prepared By: Alice Daly

Santa Cruz County Planning Department

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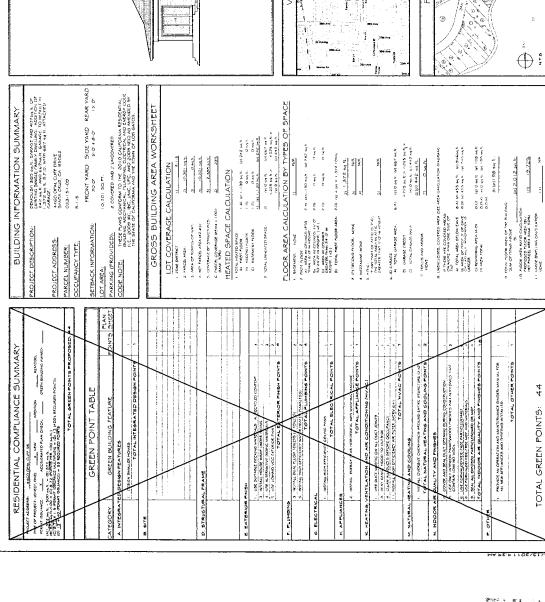
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DRAWING INDEX

CONTACTS

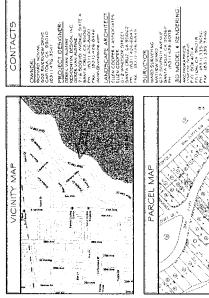
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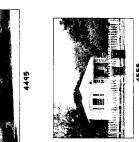


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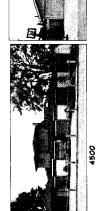


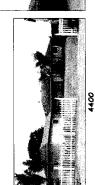






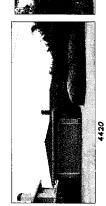


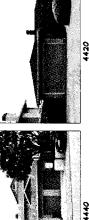








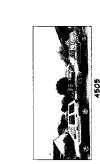


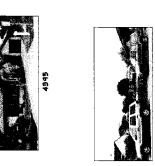


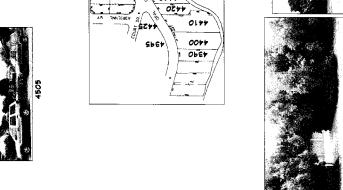


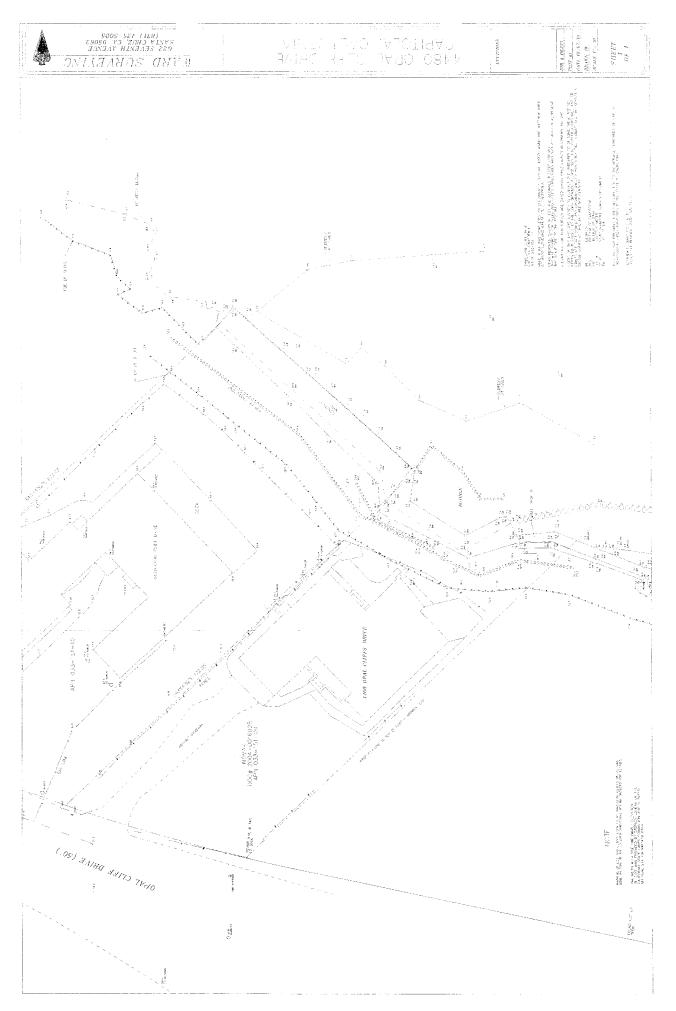


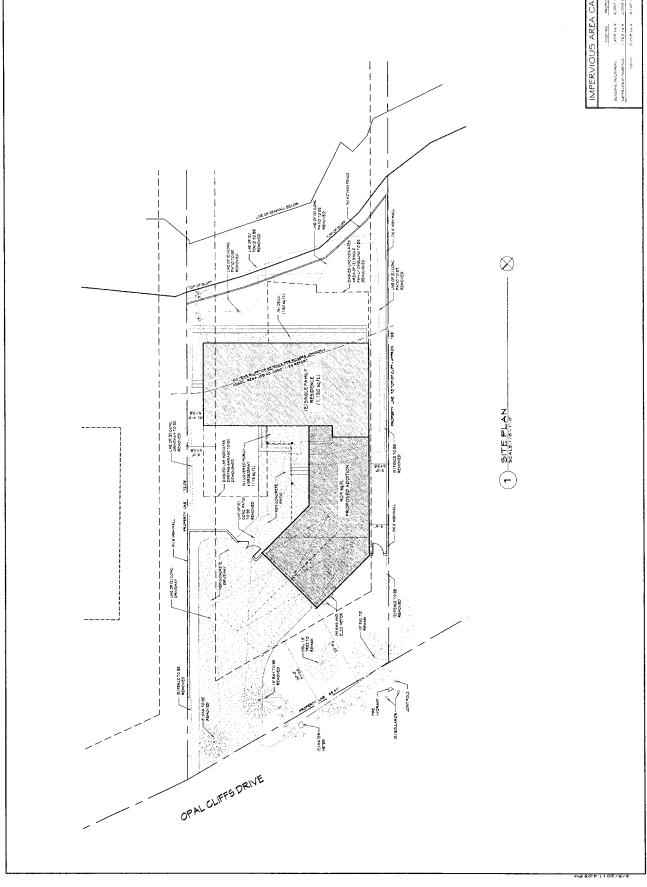
PORTION OF EXISTING RESIDENCE TO BE DEMOLISHED: REMODEL AND ADDITION WILL NOT BE VISIBLE FROM BEACH





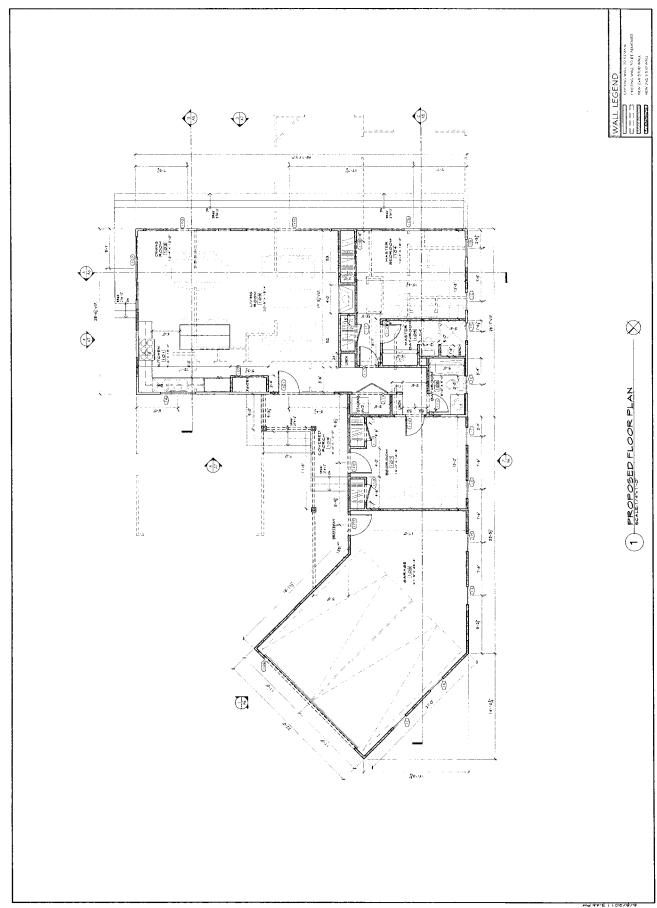


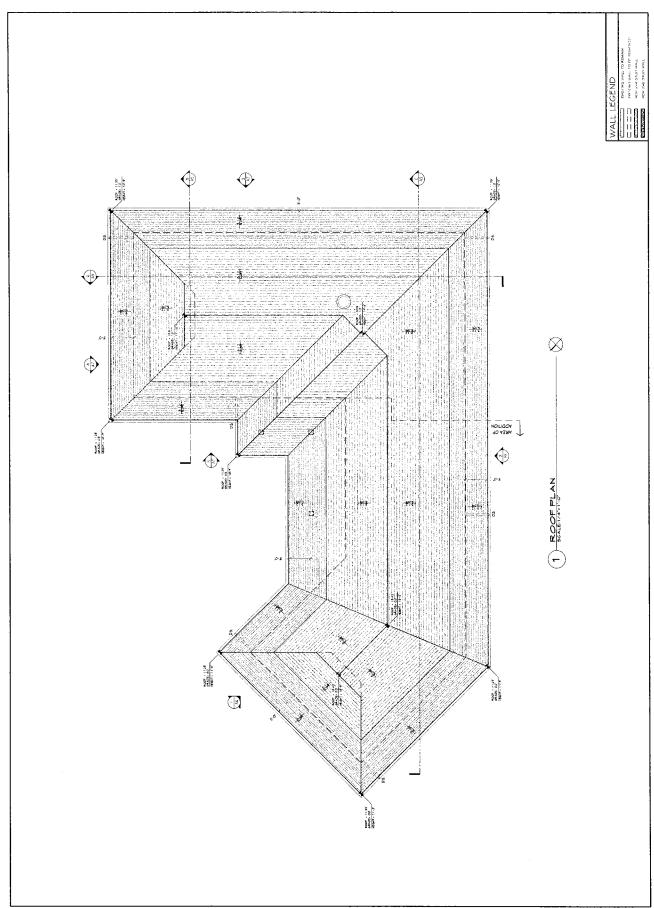


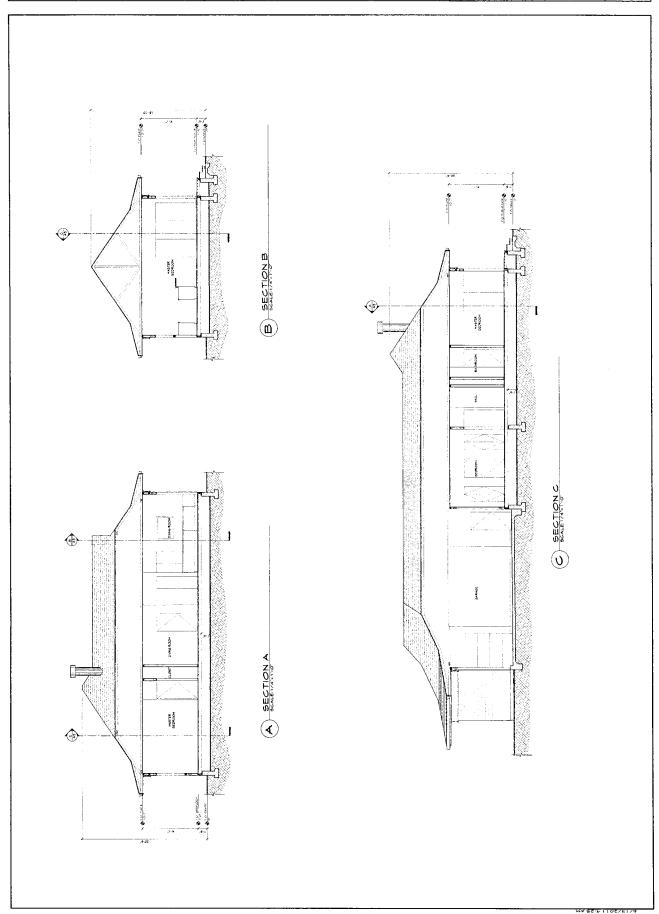


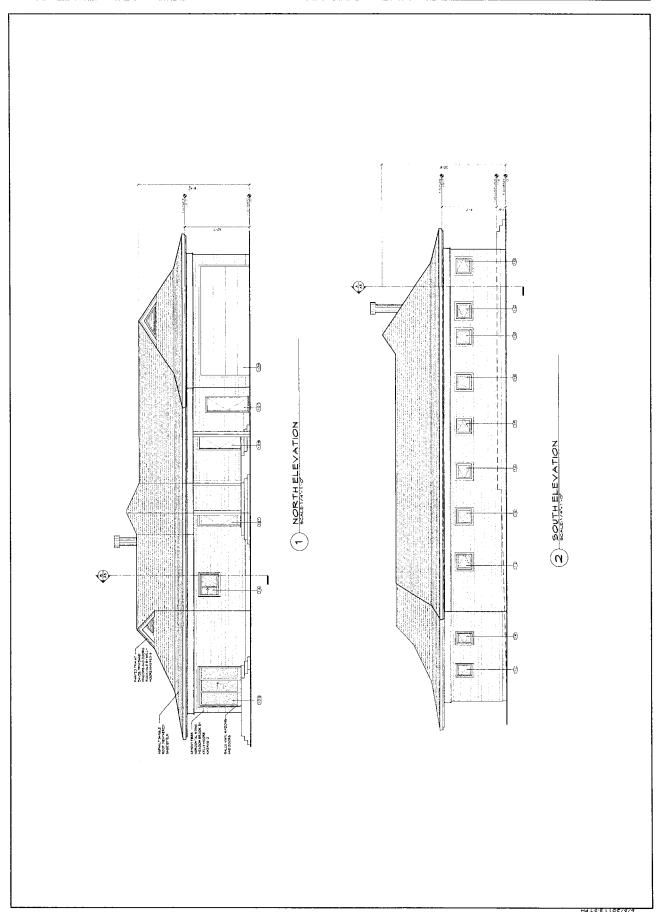
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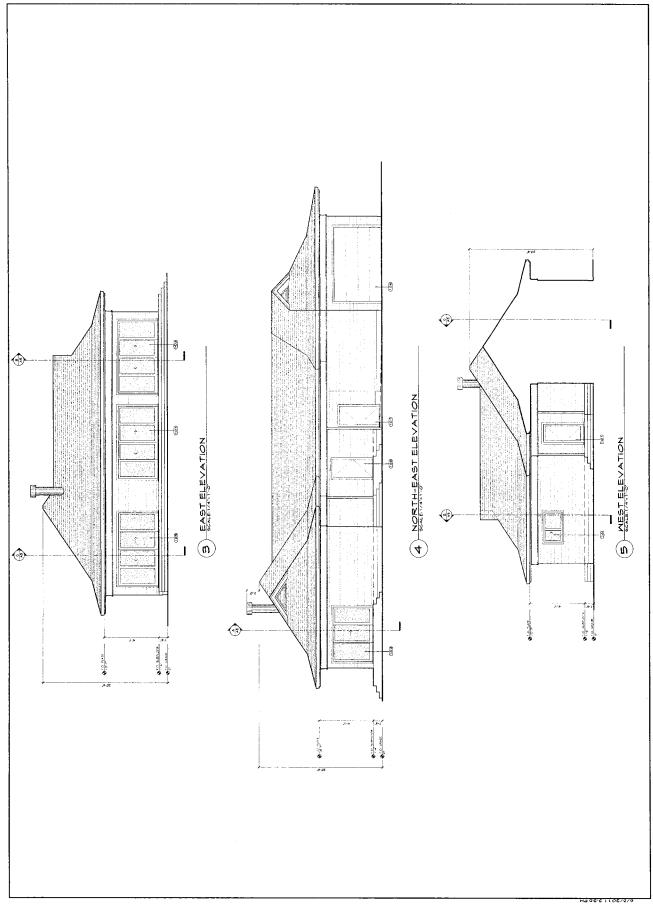
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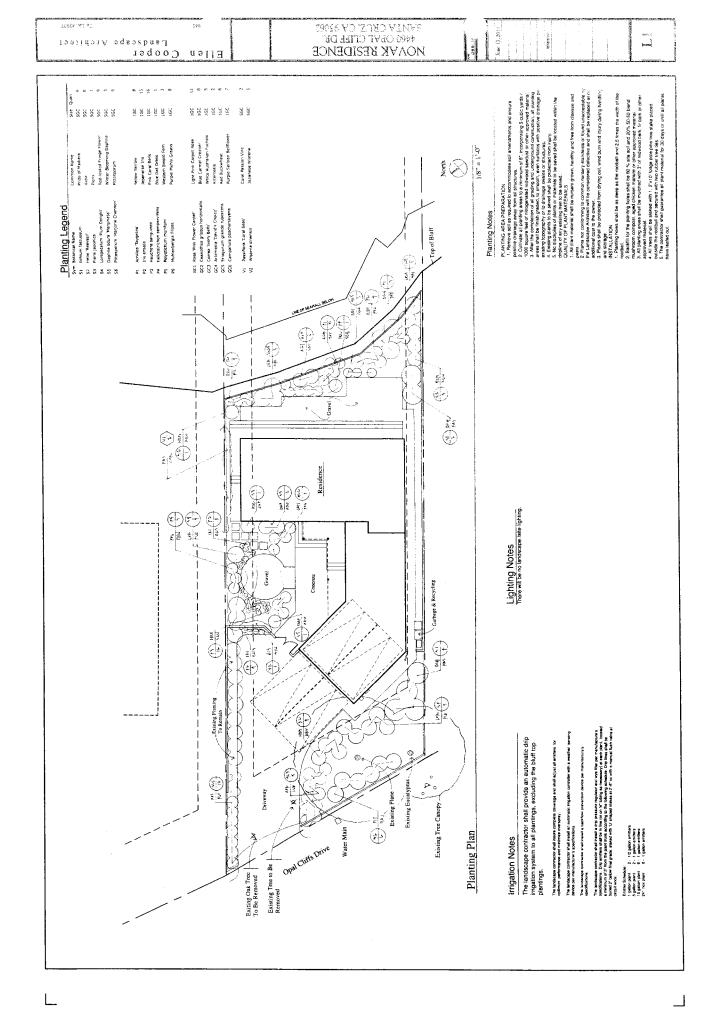


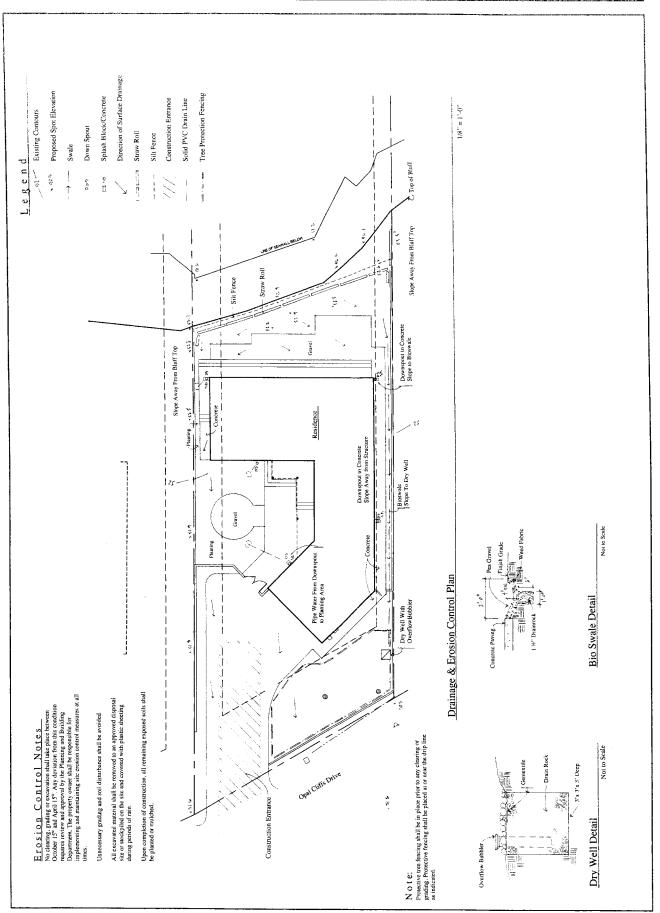












### **Coastal Development Permit Findings**

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 R-1-5 (single-family residential), a designation that allows residential uses. The proposed addition to a single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's Urban Medium Residential (R-UM) 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, as 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 and the colors will be natural in appearance and complementary to the site. The site is on a bluff top, but development will not be readily visible from beach areas below.

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 while the project site is located between the shoreline and the first public road, the addition to a single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water, and the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5 (single-family residential) zone district, as well as in the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles.

### **Development Permit Findings**

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

This finding can be made in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to a single-family dwelling will meet all current setbacks.

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

This finding can be made, in that the proposed location of the addition to a single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (single-family residential) zone district as the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

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

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) land use designation in the County General Plan.

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

The proposed addition to a single-family dwelling will be properly proportioned in relation to the parcel size and 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 addition to a single-family dwelling will comply with the site standards for the R-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly-sized lot in the vicinity.

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

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

This finding can be made, in that the proposed addition to a single-family dwelling is to be constructed on an existing developed lot. It is not anticipated that any additional traffic would result from the proposed project as there will be no intensification of the existing use.

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 addition to a single-family dwelling is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition to a single-family dwelling is consistent with the land use intensity and density of the neighborhood.

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

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

### **Conditions of Approval**

Exhibit A: Project plans, 14 sheets, by Derek Van Alstine (10 sheets dated 6/13/11), Ward Surveying (1 sheet dated 12/07/10) and Ellen Cooper, Landscape Architect (3 sheets dated 6/13/11).

- I. This permit authorizes the demolition of 767 square feet of an existing single-family dwelling and garage, and construction of a 909 square foot single story addition to include an attached garage, to result in a 1,372 square foot single-family dwelling with a 667 square foot attached garage. 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 off-site 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, drainage, and erosion control plans.
- 3. 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 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. 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.
- G. 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. Obtain a Coastal Permit and a Building Permit and all final inspections for the seawall repair. The seawall repair project must be completed prior to Building Permit final inspection.
  - C. Provide final letters of approval from the soils engineer, civil engineer and project geologist for the completed seawall repair work.
  - 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. 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 that 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.

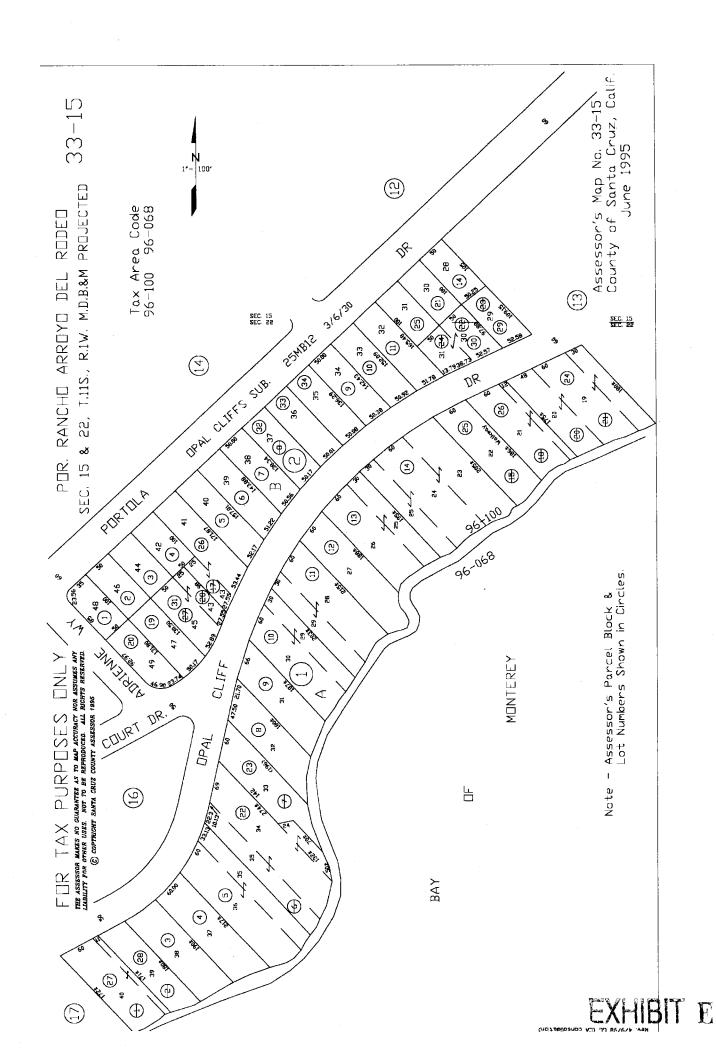
Steven Guiney, AICP Deputy Zoning Administrator	Alice Daly, AICP Project Planner
Expiration Date:	
Effective Date:	
Approval Date:	

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

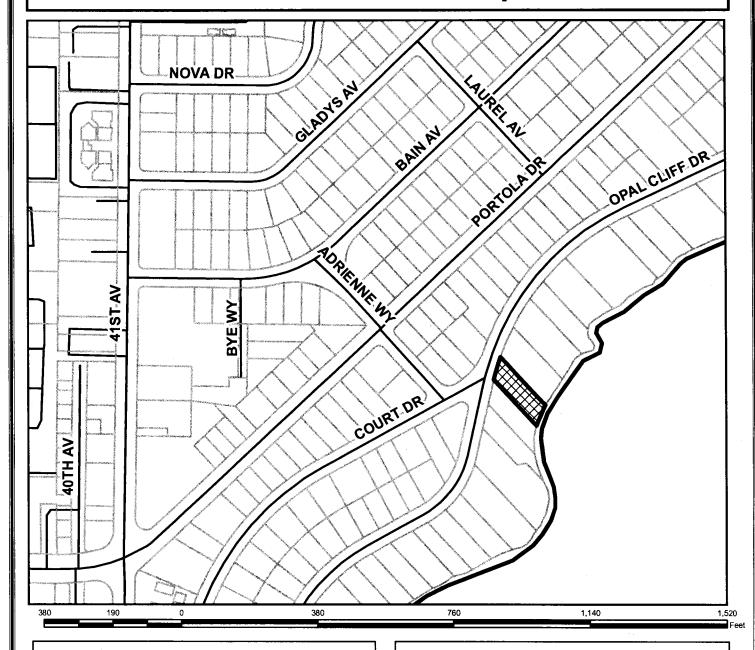
The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

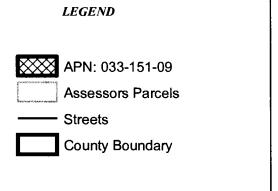
Application Number: 111104 Assessor Parcel Number: 033-151-09 Project Location: 4460 Opal Cliff Drive				
Project Description: Proposal to demolish 767 square feet of an existing single-family dwelling and garage, and to construct a 909 square foot addition to result in a 1,372 square foot single-family residence with a 667 square foot attached garage				
Person or Agency Proposing Project: Derek Van Alstine				
Contact Phone Number: 831-426-8400				
A The proposed activity is not a project under CEQA Guidelines Section 15378.  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. Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).				
Specify type:				
E. X Categorical Exemption				
Specify type: Existing Facilities (CEQA Section 15301)				
F. Reasons why the project is exempt:				
An addition and alteration to an existing structure that does not result in an increase of greater than 50% of the floor area or 2,500 square feet.				
In addition, none of the conditions described in Section 15300.2 apply to this project.				
Date:				
Alice Daly, Project Planner				





# **Location Map**



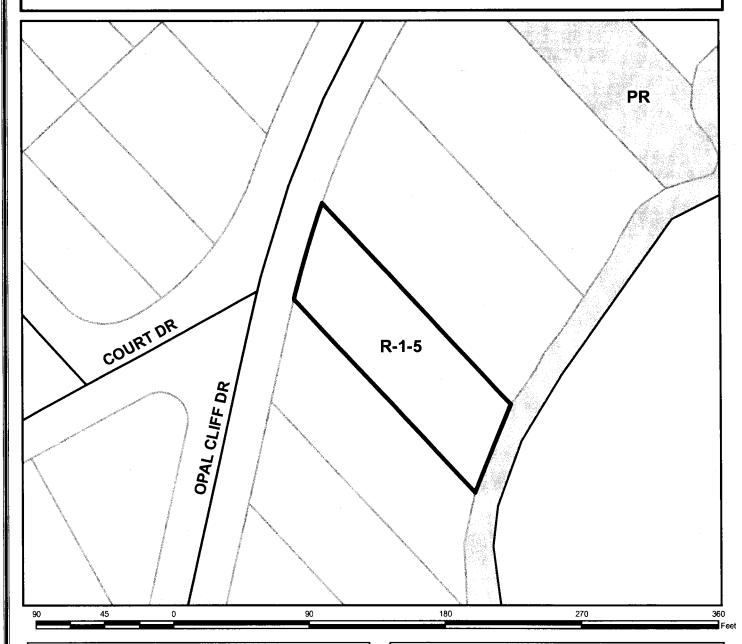




Map Created by County of Santa Cruz Planning Department July 2011



# **Zoning Map**



LEGEND
APN: 033-151-09
Assessors Parcels
Streets
County Boundary
RESIDENTIAL-SINGLE FAMILY
PARK

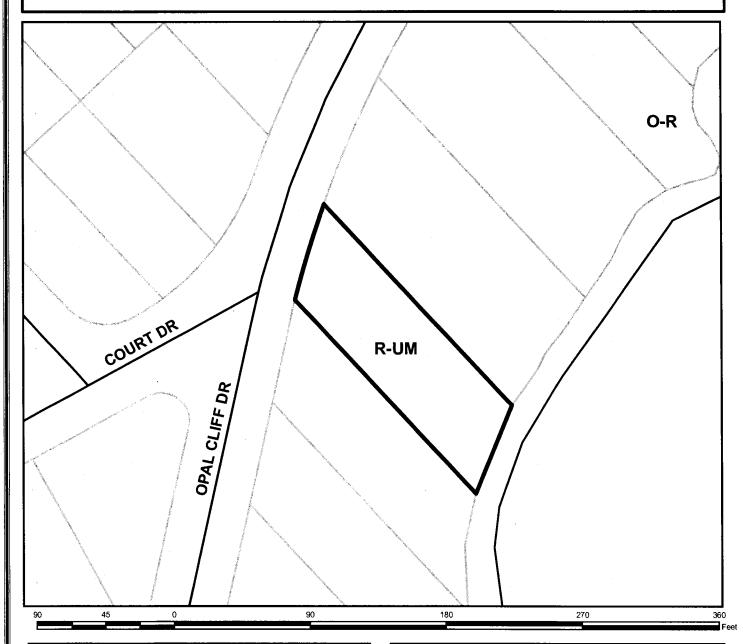


Map Created by County of Santa Cruz Planning Department July 2011

EXHIBIT



# General Plan Designation Map



APN: 033-151-09

Assessors Parcels

Streets

County Boundary

Residential - Urban Medium Density

Parks and Recreation



Map Created by County of Santa Cruz Planning Department July 2011