



Staff Report to the Zoning Administrator

Application Number: **111180**

Applicant: Steve and Paddy Graves

Owner: Steve and Paddy Graves

APN: 038-102-41

Agenda Date: December 2, 2011

Agenda Item #: 5

Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing single-family residence and a detached garage and to construct a replacement 3,643 square foot single family dwelling with an attached 550 square foot garage. Requires a Coastal Development permit and a Riparian Exception.

Location: Property located on the west side of Estates Drive (775 Estates Drive) at about 500 feet south of the intersection with McGregor Drive.

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

Permits Required: Coastal Development Permit and Riparian Exception

Technical Reviews: None

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111180, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|---|----|----------------------------------|
| A. | Project plans | E. | Assessor's, Location, Zoning and |
| B. | Findings | | General Plan Maps |
| C. | Conditions | | |
| D. | Categorical Exemption (CEQA
determination) | | |

Parcel Information

Parcel Size:	39,247.6 square feet (0.9 acres)
Existing Land Use - Parcel:	Single-family dwelling and detached garage
Existing Land Use - Surrounding:	Residential to the north, south and east, with an arroyo with open parkland beyond to the west.
Project Access:	Estates Drive
Planning Area:	Aptos

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Land Use Designation: R-UM/O-U (Urban Medium Residential/Urban Open Space)
Zone District: R-1-6 (Single-Family Residential)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Gently sloped building site with steep downward slopes to the west and south toward adjacent arroyos
Env. Sen. Habitat: Mapped Riparian woodland and biotic resource. Riparian habitat remains along steep arroyo slopes, largely cleared or disturbed on level portion of lot by pre-existing development activities
Grading: No grading proposed
Tree Removal: Three small trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate, site drains to adjacent Borregas Creek
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Sewer
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

The existing one story dwelling, associated decks and garage were constructed in 1932 in their current locations, immediately adjacent to the steeply sloped arroyo for Borregas Creek, which lies to the west of the property. Subsequently in 1987, application 87-0925 was submitted for a Minor Land Division and a Riparian Pre-Site Review to divide the original larger parcel into two parcels. Approval of this application created the subject parcel in its current configuration and one additional lot, adjacent parcel APN 038-102-42. As a result of the Riparian Pre-Site Review a building envelope for new development was designated for the vacant parcel, however, no building envelope was created on the subject parcel since it was already developed. Instead, a 30 foot conservation easement was designated along the western, southern and southeastern property boundaries of the lot in the areas roughly corresponding with the steeply sloping banks of Borregas Creek and an associated drainage channel to the south.

Project Setting

The property is located within a small isolated single-family residential neighborhood on a

private dead-end street that is bordered by the Southern Pacific Rail Road corridor to the north and east, Borregas Creek and State Park land to the West, and a steep sided drainage channel that flows into Borregas Creek to the south, with the Seacliff neighborhood beyond. However, there is no access between the two residential areas and access to the project site is via Estates Drive from McGregor Drive, a frontage street that parallels Highway One and that lies to the north. The area between McGregor Drive and the railroad corridor is developed with service commercial uses and a multi-family residential development.

The parcel is bounded directly on two sides by single-family homes, those to the east accessed from Estates Drive and three to the north, accessed via a small private easement that, in part, runs over the northeastern corner of the parcel. To the south is a densely vegetated arroyo that separates the parcel from residential neighborhoods beyond, and to the west of the parcel, on the other side of the arroyo for Borregas Creek is a large open parkland area that is maintained by the State as open space.

Proposed Project

The applicant seeks to demolish the existing dwelling and garage, and to construct a replacement two story residence with an attached garage. The new house is to be constructed east of the existing dwelling and away from the edge of the arroyo, in an area currently developed with a patio area and driveway. All remnants of the older single-family dwelling, decks and garage are proposed to be removed and this area will be re-vegetated.

Zoning & General Plan Consistency

The subject parcel is approximately 39,248 square feet in size and is, located in the R-1-6 (Single-Family Residential) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Residential General Plan designation. The proposed replacement dwelling will not be located on the portion of the parcel that has an Urban Open Space (O-U) designation.

Riparian Woodland and Biotic

The lot slopes gently to the south and west from Estates Drive but then drops steeply, with a clear break of slope, to the deeply incised arroyo for Borregas Creek that lies to the west and the arroyo of an associated, unnamed intermittent stream lying to the south. The steep arroyo banks are densely covered with vegetation typical of this type of watercourse, including coast live oaks, blackberries, poison oak and ferns. The entire site is mapped as being within an area of Riparian Woodland and the more level area above the top of the bank does support numerous mature redwood trees and coast live oaks. However, areas beneath the trees are essentially bare of vegetation, probably due to maintained clearing, and substantial undeveloped portions of the site have been cleared for open grass or planted yard areas.

Although the proposed replacement dwelling is to be constructed further from the arroyo for Borregas Creek, the proposed replacement location lies within an area of mapped riparian woodland, and therefore a Riparian Exception is required to be approved. The proposed site for the new dwelling is, however, already disturbed and corresponds with an existing patio, a portion

of the former driveway and cleared areas with only sparse grasses for ground cover. Three small ornamental trees, including one apple tree and one walnut tree, and all less than 12 inches in diameter at breast height, are proposed to be removed. Therefore the proposed dwelling will not further degrade riparian habitat or disturb an area of biotic concern. In addition, since the area of the existing development, which is just above the break of slope for the Borregas Creek arroyo, is to be restored and re-vegetated, the proposal represents an enhancement of the riparian habitat, particularly in the area most directly related to the arroyo.

Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is located between the shoreline and the first public road. However, the area between the parcel and the beach is currently designated as open space, and this area is crossed by several public access trails that will not be affected as a result of the proposed development. Therefore public access to the beach, ocean, or other nearby body of water therefore will not in any way be affected by the project. The property is not identified as a priority acquisition site in the County's Local Coastal Program.

Design Review

The project has been designed to comply with the requirements of the County Design Review Ordinance. The proposed new house has been designed such that it incorporates single story elements at each facade of the dwelling that will break up and reduce the overall mass of the structure and enhance the visual interest. In addition, the proposed colors and materials are warm natural shades that have been selected to blend and harmonize with the natural environment and the neighborhood.

The proposed replacement single-family dwelling will not significantly impact scenic resources in the area. Due to the dense vegetation that is associated with Borregas Creek, the proposed dwelling will not be visible from the adjacent open space, except for glimpses through the trees in views from the closest pathway. In addition, the proposed house will not be visible from the scenic beach and will not interfere with any existing public ocean views, since the property is located around a quarter of a mile from the bluff at its closest point and is surrounded by dense woodland associated with the adjacent arroyos.

The proposed replacement dwelling will not have significant impacts on the surrounding neighborhood. The main portion of the parcel is away from Estates Drive and down slope from the street, such that the proposed replacement dwelling will be set back from the neighboring two story property to the south. Existing one story homes to the north of the parcel are located at a higher elevation than the proposed dwelling and the proposed second story of the new two-story home will be roughly at the same level as the lower floor of these adjacent dwellings. Views of the new house from these properties will also be obscured or softened by existing fences and by vegetation along the northern property boundary.

Environmental Review

The proposed replacement dwelling is categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in 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 **111180**, 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

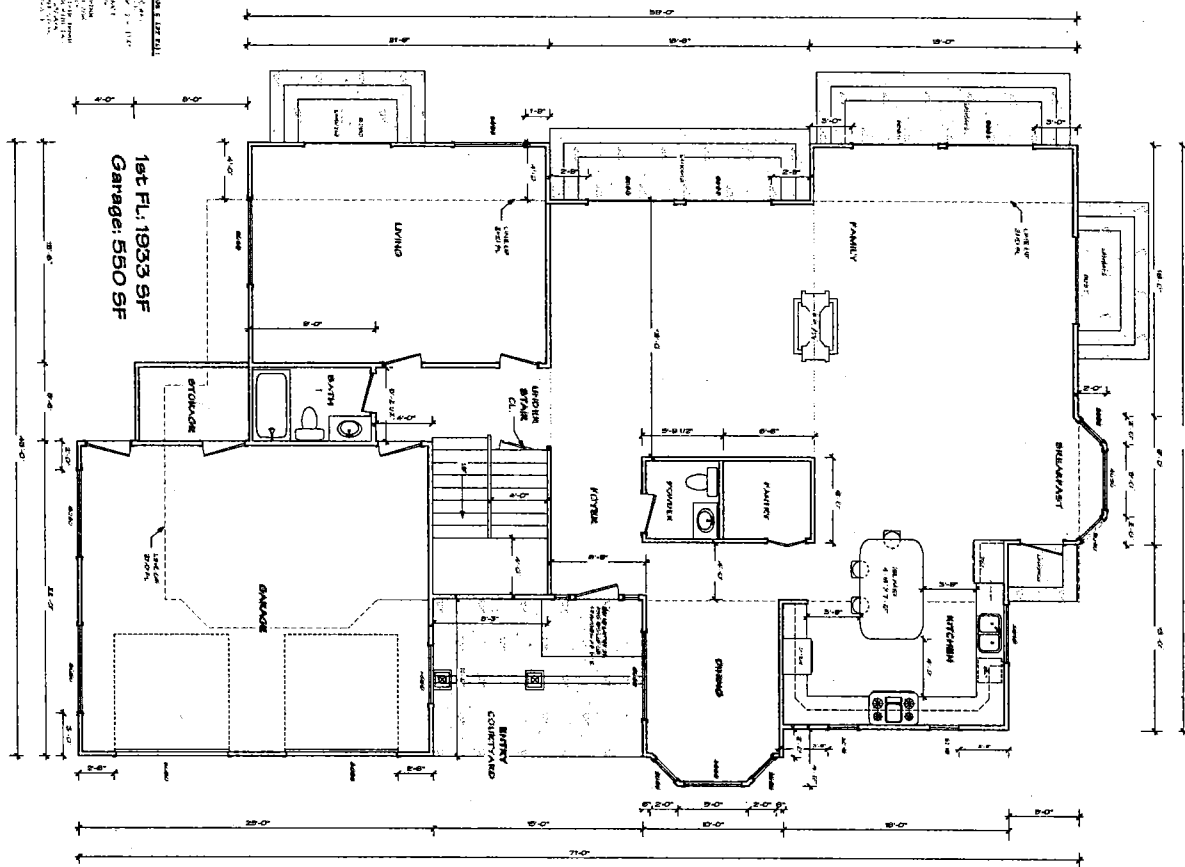
Report Prepared By: Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
E-mail: lezanne.jeffs@co.santa-cruz.ca.us

EXHIBIT A

THIS FLOOR PLAN IS A REPRESENTATION OF THE PROPOSED CONSTRUCTION OF THE PROJECT. IT IS NOT A CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE SITE. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE SITE. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE SITE.

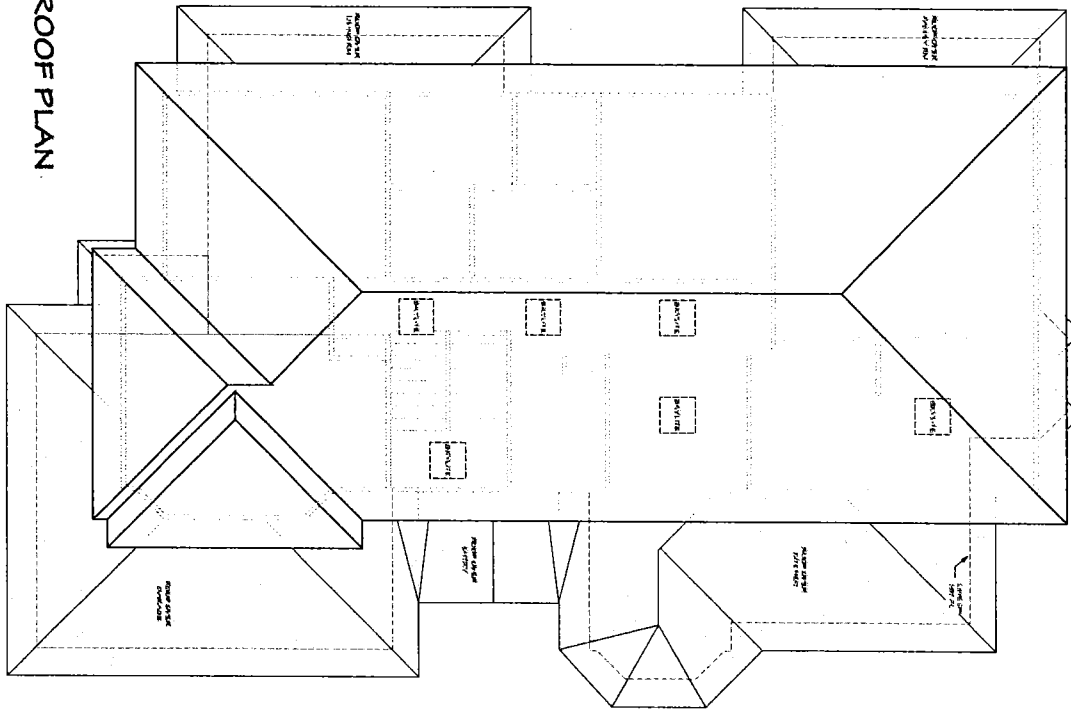
OWNER: STEVE GRAVES & LIZ MALL
PROJECT: REPLACEMENT SFD
DATE: 24 OCT 2007
SCALE: 1/8" = 1'-0"
SHEET: 038-102-41-7

FLOOR PLAN - 1ST

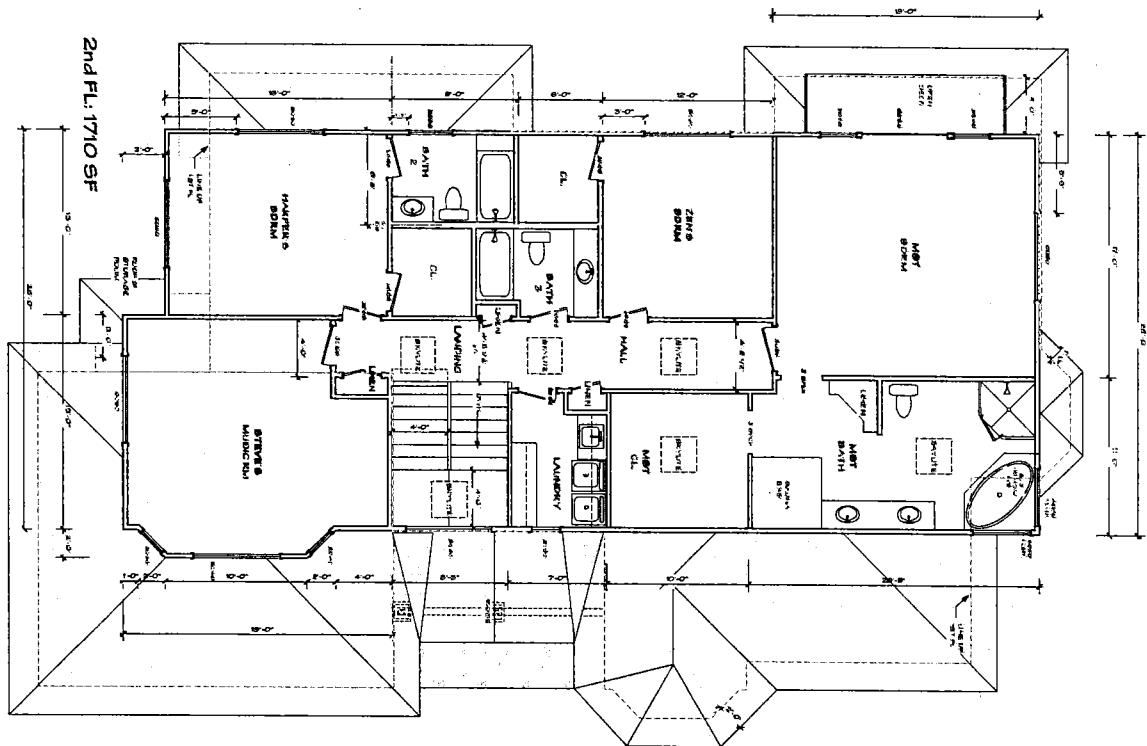


A2	PADDY & STEVE GRAVES REPLACEMENT SFD 775 ESTATES DRIVE APTOS, CA. - APN: 038-102-41-7-	RESIDENTIAL DRAFTING and DESIGN TELEPHONE: (831) 479-1100 3361 CUNNINGHAM LANE, SOQUEL, CA. 95073	DENNIS GRADY owner FAX: (831) 479-0100	EXHIBIT A
	PROJECT: 038-102-41-7	DATE: 24 OCT 2007	SCALE: 1/8" = 1'-0"	
	SHEET: 038-102-41-7			
	DRAWN: [Signature]			

ROOF PLAN



FLOOR PLAN - 2ND



A3

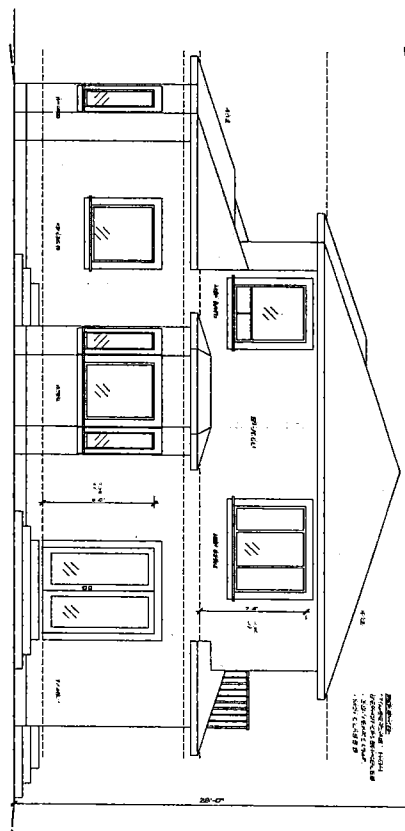
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SHEET: 038-102-41-8-3

PADDY & STEVE GRAVES
REPLACEMENT SFD
775 ESTATES DRIVE
APTOS, CA. - APN: 038-102-41-8-

RESIDENTIAL DRAFTING
and DESIGN

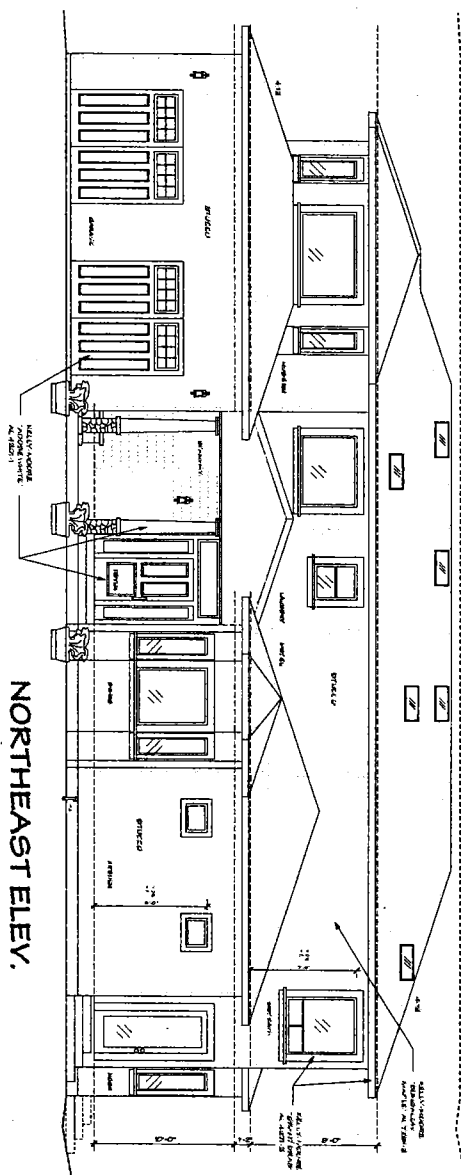
DENNIS GRADY
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TELEPHONE: (831) 478-1100 FAX: (831) 478-0100
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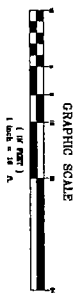


NORTHWEST ELEY.

SUBJECT MATTER:
- EYE EXAMINATION
- HISTORY AND PHYSIC
- LABORATORY TESTS
- MEDICAL TREATMENT
- NURSING MANAGEMENT
- EVALUATION



NORTHEAST ELEV.



1 OF 1

APN: Q38-102-41

PARCEL A PER 40 PM 47
755 ESTATES DR, APTOS

SANTA CRUZ COUNTY

CALIFORNIA

P.O. BOX 1671
SOQUEL, CA 95073
(831) 479-1953

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-1-6 (Single-Family Residential), a designation which allows residential uses. The proposed replacement 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. The proposed dwelling is not located in the portion of the parcel that has an Urban Open Space (O-U) 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.

A 40 foot vehicular right-of-way is located, in part, over the northeastern corner of the parcel, but the proposed dwelling will not conflict with the use of this vehicular access. The physical roadway is located on the northern portion of the right-of-way, mostly outside the subject parcel and away from the proposed dwelling. In addition the proposed structure will be located such that it will exceed the required street side setback from the southern edge of the deeded right-of-way.

As a result of the approval for Minor Land Division 87-0925 a 30 foot wide open space easement was designated along the western, southern and southeastern property boundaries of the parcel, within the area roughly corresponding with the steeply sloping sides of the adjacent arroyos. The proposed replacement dwelling will not be within these open space easement areas and will be further from the arroyos than the existing house on the parcel.

- 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 architectural styles of the surrounding neighborhood. The size and architectural design of homes in the area vary widely, and the design submitted is compatible with the existing range of styles. The proposed project incorporates site and architectural design features such as single story elements at each façade, which break up the massing of the structure and also create increased visual interest. A color palette of warm natural shades has been selected to reduce the visual impact of the proposed development on surrounding land uses and on the natural landscape. The development site is not located on a prominent ridge, beach, or bluff top.

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

with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made in that there is no public access across the parcel. While the project site is located between the shoreline and the first public road, the parcel is located around one quarter of a mile from the coastal bluff at its closest point and almost half a mile from the bluff if walking on one of the trails that cross the adjacent parkland. The state owned open space to the west of the parcel is crossed by several public access trails that are used by the public and the neighborhood for walking and to access the adjacent beach. These pathways will not be changed or affected in any way as a result of the proposed development, so the finding can be made that the proposed single family dwelling will not affect public access to the beach, ocean, or other nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 (Single-Family Residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range 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 single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single family dwelling with an attached garage, 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-1-6 (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/Urban Open Space (R-UM/O-U) land use designation in the County General Plan.

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

The proposed single family dwelling will be properly proportioned 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 single family dwelling will comply with the site standards for the R-1-6 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

The proposed single-family residence is in compliance with General Plan policies 5.10.2 and

5.10.7 in that it will not interfere with existing ocean views, since the proposed house is located around one quarter of a mile from the closest edge of the coastal bluff and is completely surrounded by woodland areas.

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

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

This finding can be made, in that the proposed single family dwelling is to be constructed on an existing developed lot and replaces an existing single-family dwelling that is to be demolished. In addition, the expected level of traffic generated by the replacement home is not anticipated to increase from the existing level of use and therefore the proposed development will not adversely impact existing roads and intersections in the surrounding area.

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

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

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

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

The proposed replacement dwelling is consistent with the surrounding neighborhood in terms of architectural style. The size and architectural design of homes in the area vary widely, and the design submitted is compatible with the existing range of styles. The proposed project incorporates site and architectural design features such as single story elements at each façade, which break up the massing of the structure and also create increased visual interest. In addition, a color palette of warm natural shades has been selected to reduce the visual impact of the proposed development on surrounding land uses and on the natural landscape. The development site is not located on a prominent ridge, beach, or bluff top.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made in that the location of the original legal, non-conforming dwelling, decks and detached garage historically were constructed within an area of riparian woodland, right at the break of slope at the top of the arroyo for Borregas Creek. This development of the site occurred at a time prior to the adoption of the County's Riparian Ordinance. Further, the entire parcel lies within the mapped area of riparian woodland and therefore no feasible alternate location exists outside the mapped riparian habitat area where a replacement dwelling could be constructed. The replacement dwelling is proposed to be located approximately 40 feet from the edge of the arroyo towards the front of the lot allowing the area of the existing development to be re-vegetated and restored. However, since the lot narrows toward the street and is restricted by a vehicular access easement across the northeast corner of the parcel, a building site even further from the arroyo would be very restricted and therefore not desirable. The fact that the original dwelling pre-dated the riparian ordinance, that there are no feasible sites outside of the mapped riparian woodland available on the parcel, and that the area further from the arroyo has physical constraints to development are all special circumstances and conditions affecting the property.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made in that allowing a replacement dwelling further away from the arroyo than the original legal, non-conforming dwelling, decks and garage that were constructed within the riparian corridor and riparian woodland area, is necessary for the proper function of the property as a residential parcel. The entire property is within the mapped Riparian Woodland but is also zoned for residential uses. A single-family dwelling is therefore a principal permitted use on the parcel. Without approval of an exception the construction of a replacement dwelling would not be possible.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made in that the granting of the exception will include the installation of erosion control measures and re-vegetation of the degraded riparian area in the area of the original dwelling, decks and garage that are to be demolished, ultimately enhancing the arroyo for Borregas Creek. There is no evidence that the granting of the exception will be detrimental to the public welfare or injurious to other property downstream or in the area of the project. On the contrary, because the replacement dwelling which is to be located further from the arroyo, and the area currently occupied by the existing development is to be re-vegetated and erosion control measures are to be installed, the proposed development will help reduce erosion into Borregas Creek.

The replacement dwelling will be located further from the adjacent public trails along Borregas Creek that are within the adjacent state park owned open space located on the opposite bank. The new house will be mostly obscured in views from these trails due to dense vegetation along

the arroyo. In addition, the new dwelling will be located behind existing mature trees that will remain and in addition, new plantings will be provided for the re-vegetation of the existing developed area to provide additional screening. There are a number of adjacent and nearby properties that have permitted or pre-existing non-conforming dwellings that are located within the riparian corridor along Borregas Creek and within associated riparian woodland areas, therefore, approval of the exception in this case will not create a development or use that is inconsistent with other legal development in the area. Further, the proposed replacement dwelling will not cause injury to other property downstream.

4. **That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.**

This finding can be made in that the granting of this exception will allow for the construction of a replacement dwelling that will be located further from Borregas Creek than the existing structures that are to be removed, and will be conditioned to include erosion control measures and re-vegetation of the degraded riparian area. Therefore the project will not further reduce or adversely impact the riparian corridor and the location of the replacement dwelling represents an environmentally superior alternative to that of the existing structures. There are no feasible, less environmentally damaging alternative locations for a replacement dwelling.

5. **That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.**

This finding can be made even though the purpose of the Riparian Corridor and Wetlands Protection Ordinance (Ordinance) is "to eliminate or minimize any development activities in the riparian corridor in order to preserve, protect, and restore riparian corridors..." The replacement dwelling is to be constructed as far away as is reasonably possible.

Removing the original non-conforming dwelling, decks and garage that were developed many decades ago will enhance the riparian corridor and allow for the restoration and re-vegetation of riparian habitat. The implementation of a re-vegetation plan along with erosion control measures will serve to preserve, protect, and restore the riparian corridor. Granting of the exception for the replacement dwelling is in keeping with the purpose of the Ordinance and the objectives of the General Plan in that it allows the replacement of a pre-existing legal, non-conforming dwelling on a residentially zoned parcel without further encroachment into or impact upon the riparian corridor and results in enhancement of the riparian corridor through the relocation of the new structure away from the arroyo and the required re-vegetation.

Conditions of Approval

Exhibit A: 5 sheets prepared by Dennis Grady, Residential Drafting and Design, 3 drawn on July 30, 2011 and 2 drawn on October 24, 2011; plus 1 sheet drawn by McGregor Land Surveys, dated August 2011.

- I. This permit authorizes the demolition of an existing single-family dwelling, deck areas and a detached garage, and the construction of a replacement single family dwelling with an 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. 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. Drainage, erosion control and re-vegetation 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 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - 1. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make areas clear on the plans by shading or hatching the limits of both the existing and new impervious surfaces. To receive credit for the existing impervious surfaces to be removed 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
- D. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- E. Comply with all requirements of the County Sanitation District including:
 - 1. Provide a note on the building plans stating that "The existing sewer lateral is to be properly abandoned (including inspection by District) prior to issuance of a demolition permit or relocation or disconnection of the existing structure." The lateral abandonment is required to be located at the property line. Reuse of the existing lateral shall be determined in the field by an inspector.
 - 2. Plans shall include the location of proposed on-site sewer lateral(s), clean-out(s), and connections(s) to existing public sewer. Include a note on the plans that the sewer lateral shall be installed at 2% minimum slope.
 - 3. The rim elevation of the upstream manhole shall be shown, along with the lowest finished floor elevation of the house that has plumbing fixtures, and plans shall state that a sewer backflow/overflow preventative device is required if conditions shown in Fig. SS-14 (Design Criteria) will occur.
- F. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer for review by the County Civil Engineer.
 - 1. Provide a plan review letter from the geotechnical engineer referencing the final revised plans and stating that they have been prepared in conformance with the soils report recommendations.
 - 2. Show that drainage shall be released in a non-erosive manner, in conformance with recommendations from the geotechnical engineer

- G. Prepare an erosion control plan, showing the location for placement of erosion control measures.
 - H. Show on the plans that the following work shall be conducted by hand:
 - 1. Existing drain pipes to be removed shall be removed by hand to minimize disturbance to the slope above the creek.
 - 2. Demolition of the existing structure and foundations shall be conducted by hand where damage to tree roots may occur.
 - I. Provide a re-vegetation plan for the demolition area. The re-vegetation plan shall be prepared by a qualified professional and should include any required irrigation recommendations as well as protection measures for the existing trees during planting/construction. The erosion control mix as specified on Exhibit A shall be replaced with another grass seed that does not contain invasive species or other erosion control method as recommended by the preparer of the re-vegetation plan.
 - J. Pay the current fees for Parks and Child Care mitigation for 1 bedroom (called "Steve's music Room" on the plans). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - K. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.
 - L. 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.
 - M. 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. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with

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

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own 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

Application #: 111180
APN: 038-102-41
Owner: Steve and Paddy Graves

and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Steven Guiney, AICP
Deputy Zoning Administrator

Lezanne Jeffs
Planner
Project

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: 111180

Assessor Parcel Number: 038-102-41

Project Location: 775 Estates Drive, Aptos, CA 95003

Project Description: Demolish an existing single-family dwelling and construct a replacement single-family dwelling

Person or Agency Proposing Project: Steve and Paddy Graves

Contact Phone Number: (831) 475 8683

- 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. X **Categorical Exemption**

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

F. Reasons why the project is exempt:

Construction of a replacement single-family dwelling

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

Lezanne Jeffs, Project Planner

Date: _____

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____

TO: Support Staff

FROM: Lezanne Jeffs

RE: Application # 111180

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇒ ☐ Use original documents for distribution

☐ Make _____ copies of the attached documents; distribute as follows:

☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send a copy to District Supervisor _____ (via Inter-office mail)

☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)

☐ Housing (Conditions – projects with affordable housing reqts.)

☐ _____

☐ Extra copy to planner

☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans

☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.

☐ Mail copy of permit conditions to: _____ (Local Fire District)

☐ Attach permit conditions to application (Hansen only)

☐ Send copy of CEQA notice to the Clerk of the Board:

☐ Notice of Exemption (include copy of application form indicating COB fee payment)

☐ Notice of Determination/Negative Declaration

☐ Certificate of Fee Exemption

☐ Special instructions:

☐ Send attached exhibit(s) to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ Send attached recordable documents to:

☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)

☐ _____

☐ _____

Completed by: _____

(support staff)

(date)

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor

Attention: Lezanne Jeffs
Application #: 111180

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department

Attn: Lezanne Jeffs

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 111180

Property Owner: Steve and Paddy Graves

Assessor's Parcel No.: 038-102-41

By signing below, the owner agrees to accept the terms and conditions of approval of Application 111180 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 111180 is null and void in the absence of the owner's signature below.

Executed on _____,
(date)

Property Owner(s) signatures:

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)

This form must be reviewed and approved by a County Planning Department staff person after notarization and prior to recordation.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), previous owner(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. Bring the notarized form into the Planning Department for review and signature by a Planning Department staff person prior to recording. Please ask the receptionist for assistance in obtaining a signature, please do not sign on to the waiting list for this purpose.
4. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
5. Have the form recorded in the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy conformed. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
6. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
7. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-6 have been completed.

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR ERRORS OR OMISSIONS. ALL RIGHTS ARE RESERVED.
 ELECTRONICALLY REDRAWN 11/12/97 WRP

APTOS RANCHO
 POR. N. 1/2 SEC. 13, T.11S., R.1W.
 M.D.B. & M.

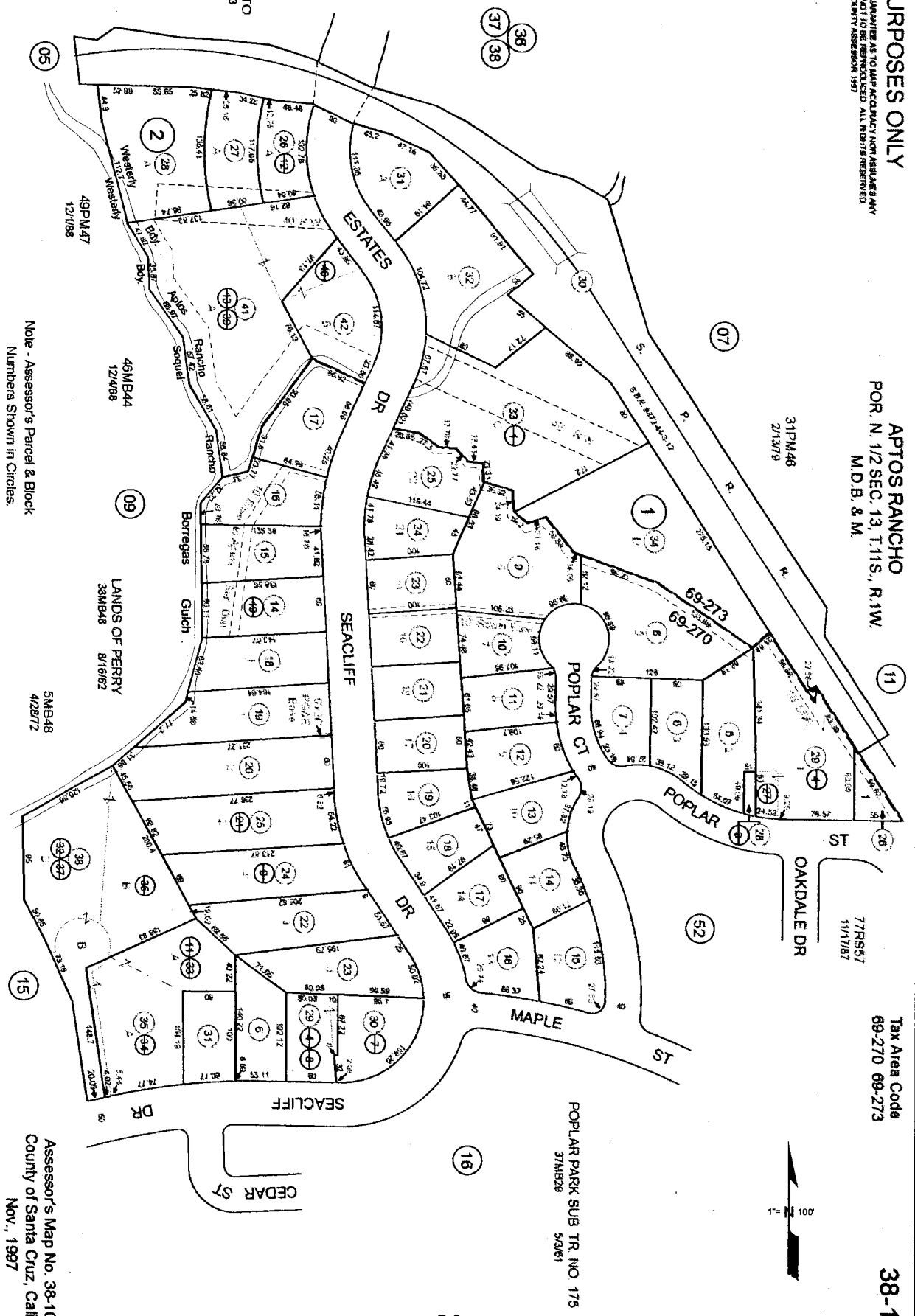
Tax Area Code
 69-270 69-273

38-10

Electronically Redrawn 11/12/97 WRP
 Rev. 4/30/98 KSA (CA)
 Rev. 9/24/98 GG (Cor. open sp. ease)
 Rev. 5/19/99 CB (Tax Consolidation)
 Rev. 4/28/01 mm (changed page refs.)
 Rev. 8/28/03 mm (sl. name)
 Rev. 2/21/06 md (spatial adjustment)
 Rev. 4/4/08 mc (Cor. to APN, 2-23)
 Rev. 4/4/08 mc (Cor. to APN, 1-05 & 09)

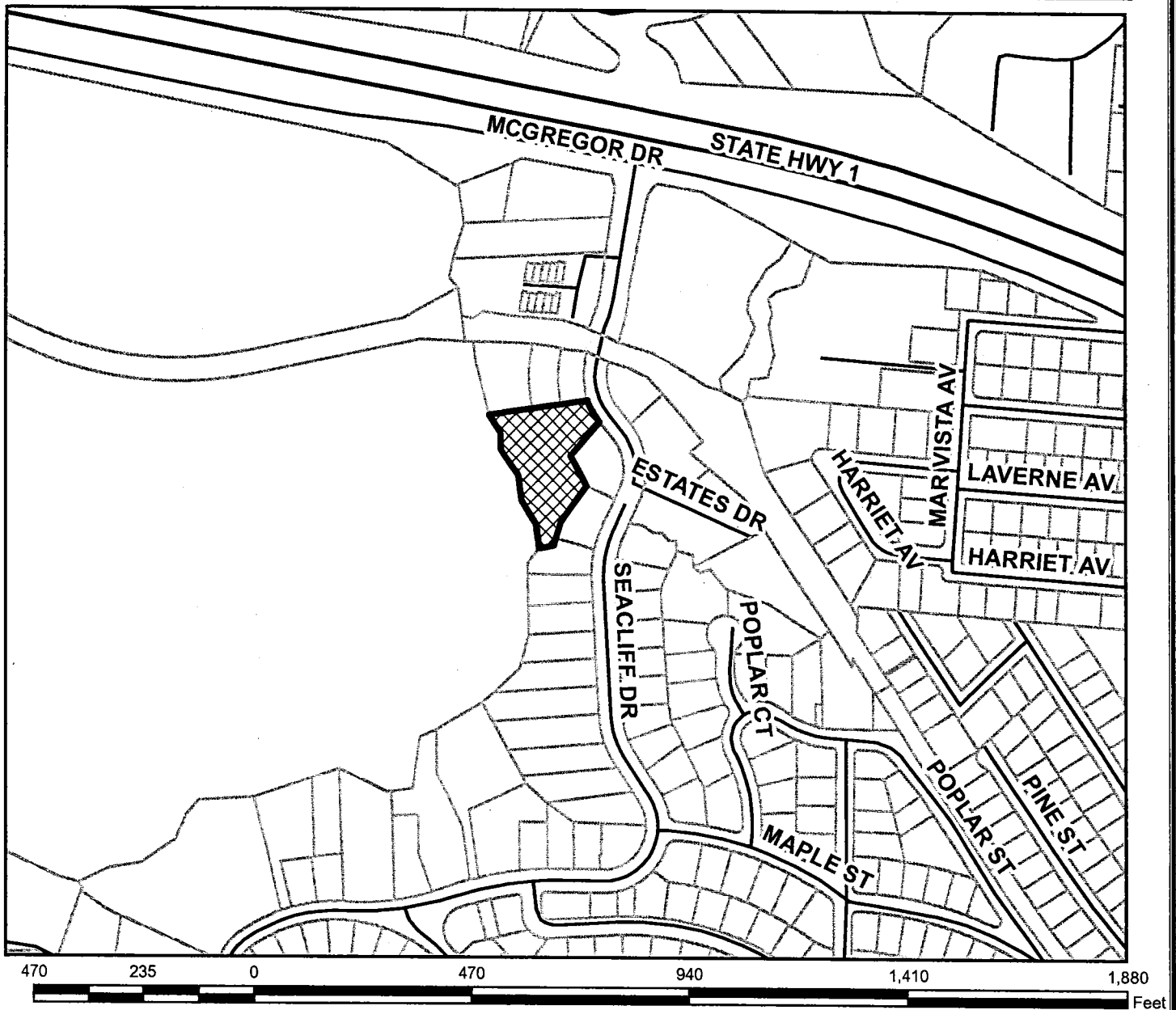
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 38-10
 County of Santa Cruz, Calif.
 Nov., 1997



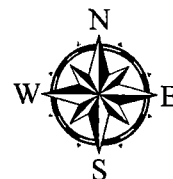


Location Map



LEGEND

-  APN: 038-102-41
-  Assessors Parcels
-  Streets
-  State Highways

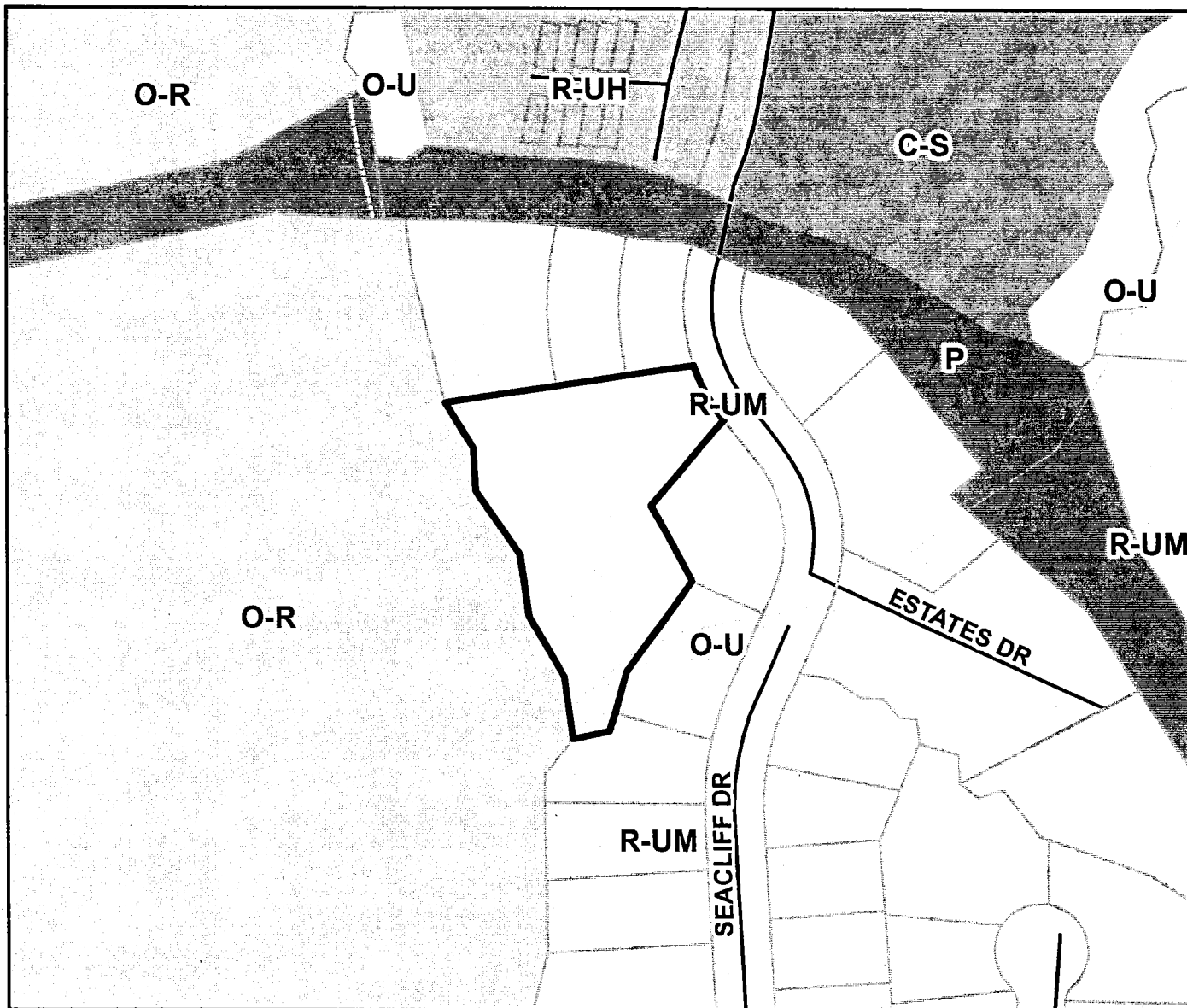


Map Created by
County of Santa Cruz
Planning Department
October 2011

EXHIBIT E



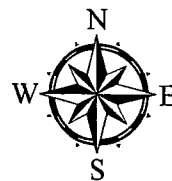
General Plan Designation Map



190 95 0 190 380 570 760 Feet

LEGEND

- APN: 038-102-41
- Assessors Parcels
- Streets
- SWALE
- INTERMITTENT
- Residential - Urban Medium Density
- Urban Open Space
- Parks and Recreation
- Residential - Urban High Density
- Commercial-Service
- Public Facilities

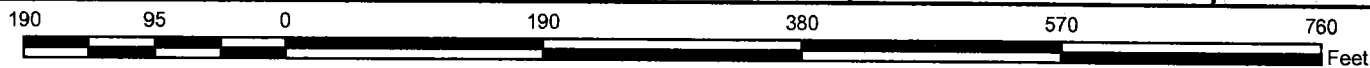
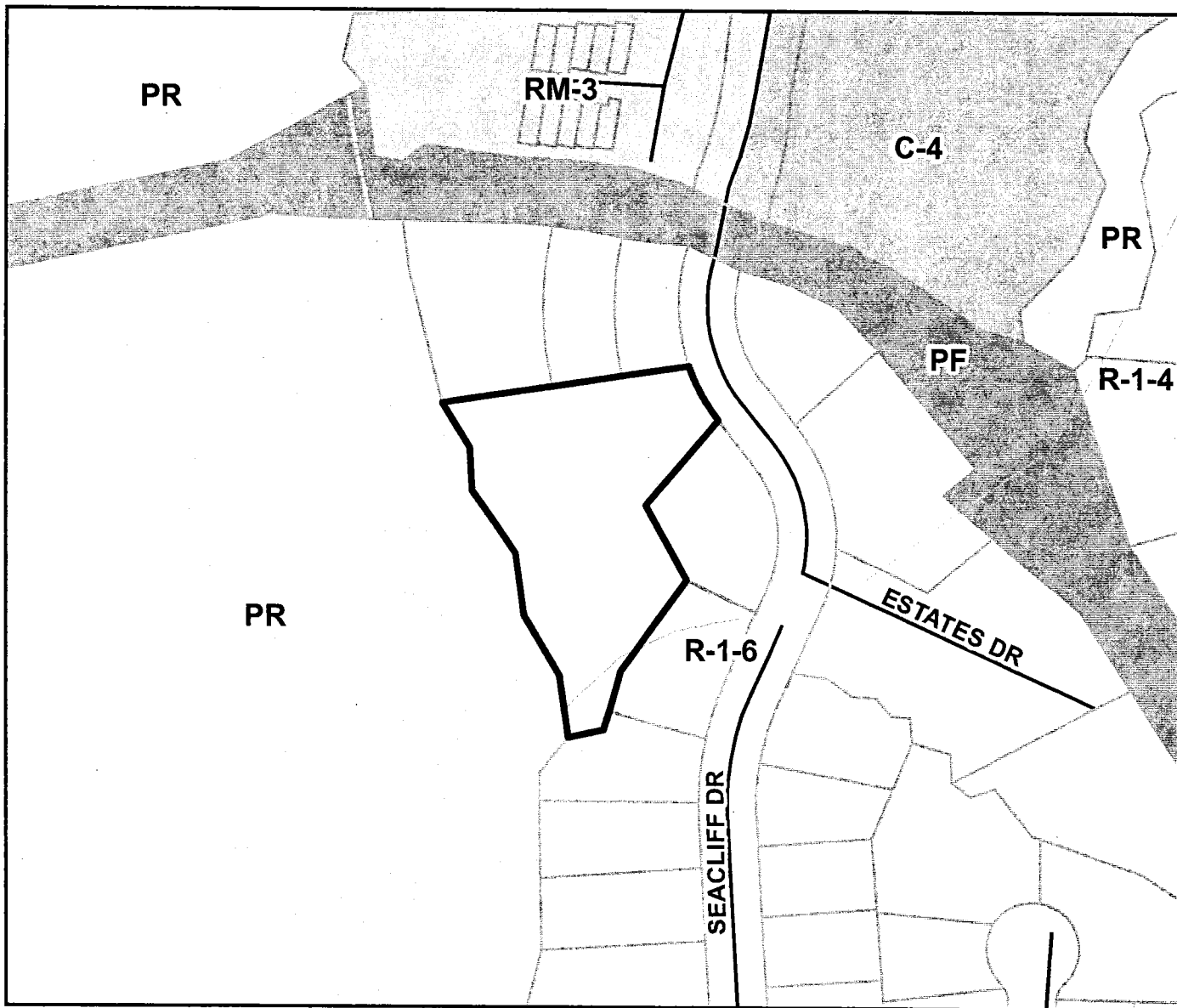


Map Created by
County of Santa Cruz
Planning Department
October 2011

EXHIBIT E

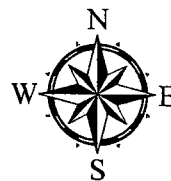


Zoning Map



LEGEND

- APN: 038-102-41
- Assessors Parcels
- Streets
- SWALE
- INTERMITTENT
- RESIDENTIAL-SINGLE FAMILY
- PARK
- RESIDENTIAL-MULTI FAMILY
- COMMERCIAL-SERVICE
- PUBLIC FACILITY



Map Created by
County of Santa Cruz
Planning Department
October 2011