



Staff Report to the Zoning Administrator

Application Number: 171314

Applicant: DeMattei Construction Inc.
Owner: Jennifer Haggerty
APN: 027-162-14

Agenda Date: August 3, 2018
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to demolish an existing single-family residence and construct a new 1,380 square-foot two-story single-family residence and attached 225 square-foot garage on a parcel within the R-1-3.5 zone district. Requires a Coastal Development Permit, Design Review, and Variance approval to reduce the required garage setback, from 20 feet to 18 feet; to reduce the required front yard setback area, from 50% to 49% (to accommodate parking); to reduce the front yard setback, from 15 feet to approximately 12 foot, 9 inches; and to increase the maximum floor area ratio, from 50% to 57.5%.

Location: Property located on the east side of 5th Avenue approximately 200 feet north of East Cliff Drive. (102 5th Avenue).

Supervisory District: 3rd District (District Supervisor: Ryan Coonerty)

Permits Required: Coastal Development Permit, Design Review, and Variance

Technical Reviews: N/A – Soils Report Waiver

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application Number **171314** based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Categorical Exemption (CEQA determination) | E. Elevations and Materials |
| B. Findings | F. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions | G. Comments & Correspondence |
| D. Project Plans | |

Parcel Information:

Parcel Size:	2,400 Square Feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Single-family and Multi-family Residential
Project Access:	Existing driveway located on 5 th Avenue
Planning Area:	Live Oak – Harbor Area Special Community
Land Use Designation:	R-UH (Urban High Density)
Zone District:	R-1 3.5 (Single-family Residential, 3,500 Square-foot Lot Size)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information:

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	N/A – Eligible for Soils Report Waiver
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	Minimal grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Preliminary drainage plan approved by the Department of Public Works - Stormwater Division
Archeology:	Not mapped/no physical evidence on site

Services Information:

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	City of Santa Cruz Water Department
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

History: The project site is currently developed with a single-story residence and associated site improvements. According to the County of Santa Cruz Assessor's records, the residence was constructed in 1939. Since its original construction, the structure has been substantially modified, therefore the structure is not subject to historic resource review under the California Environmental Quality Act.

The project site is accessed via an existing paved driveway on 5th Avenue. The parcel is minimally landscaped, with a few low hedges growing in the front yard. A wood fence, approximately three feet in height, is presently constructed along the front and side yard property lines. The remainder of the front yard is graveled and likely serves as a parking area for the existing residence.

Project Setting: The project site is located on 5th Avenue, five parcels north of the intersection of East Cliff Drive and 5th Avenue. The property is in a high traffic area, frequented by motorists, pedestrians, and bicyclists. One of two Santa Cruz Harbor parking lots is located directly across the street from the project site, with the harbor and marina located beyond the parking lot. A popular public beach is located a half-block away (to the south) from the project site.

The block in which the project site is located is characterized by small lots developed with single-family and multi-family residential structures in a variety of architectural styles. Much of the neighborhood is developed with two-story structures. Many of the neighboring parcels appear to be non-conforming with respect to setbacks and parking.

Zoning & General Plan Consistency: The project site, approximately 2,400 square feet in size, is zoned R-1 3.5 (Single-family Residential, 3,500 square-foot lot size), a designation which allows residential uses. The proposed residential land use is a principal permitted use within the zone district and the zoning is consistent with the parcel's R-UH (Residential High Density) General Plan designation. The project site is located outside of any mapped flood hazard zones.

The proposed development, which consists of a new single-family residence and attached garage, has been designed to meet the R-1-3.5 zone district development standards with respect to parking and the height of the proposed structure. Further, the residence has been designed to conform to the Harbor Area Special Community design criteria. Variance approval is requested to allow for deviation from the R-1 3.5 development standards with regard to setbacks, front yard lot coverage (to accommodate parking), and floor area ratio. At 2,400 square-feet in size, the subject parcel is well below 3,500 square-feet, the R-1-3.5 zone district minimum lot standard; therefore, flexibility in the application of the site standards is warranted (see Project Findings below).

A summary of the required and proposed site and development standards that are relevant to this project is summarized in the table below:

Development Standard	Required	Proposed
Front Yard Setback	15 feet	18 feet (garage) 12 feet, 9 in. (deck footing)
Side Yard Setbacks	5 feet (both sides)	5 feet (both sides)
Rear Yard Setback	15 feet	15 feet
Lot Coverage	40% Max.	35%
Floor Area Ratio (FAR)	50% Max.	57.5%
Height	28 feet Max.	26 feet (from grade, westernmost elevation) 23.75 feet from finished grade
Parking Requirement	3 spaces	3 spaces

Local Coastal Program Consistency: The proposed residence conforms to the County's certified Local Coastal Program (LCP) in that the structure is sited and designed to be visually compatible, and in character, with the surrounding neighborhood. Further, the design of the proposed residence is consistent with the height, bulk, and massing of the neighboring residences in the surrounding Harbor neighborhood, which is characterized by small parcels developed with primarily single-family dwellings. Most of the neighboring parcels, including the parcels to the north, east, and

south of the project sites, are developed with two-story structures.

The surrounding properties are developed in a range of styles, representative of different eras and architectural styles; however, many of the structures in the neighborhood feature wood siding in a neutral color. Further, several of the residential structures in the neighborhood are developed with second story decks, many of which are located in the front yard setback. In addition, the front yard setback of several neighboring parcels is developed with off-site parking.

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; therefore, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review: The proposed project is designed in conformance with the requirements of the County's Design Review Ordinance in that the proposed residence has been designed to blend in with the surrounding development in the neighborhood. While the proposed two-story residence will result in an increase in height, as compared to the existing single-story residence, the residence has been designed to reduce the visual impact of the structure to the extent feasible.

Initially, the residence was designed to include a roof element that reached 28-feet in height. Further, the original design featured a second story that encroached into the rear yard setback. Upon receiving feedback from planning staff and the neighboring property owners, the project designer modified the design of the residence. The current proposal consists of a structure that complies with the rear yard setback and is characterized by lower roof pitch, approximately 26 feet in height (from grade) at its westernmost elevation and approximately 23 feet in height (from grade) at its easternmost elevation (23.75 feet in height from finished grade). Further, to minimize impacts to the neighboring properties, the residence is designed to feature a deck on the street facing (west) elevation of the residence and high-silled windows on rear (east) and side (north) elevations of the structure.

The residence will not adversely shade adjacent properties, and, apart from the front yard setback, will meet current setbacks for the zone district. The adjacent property to the rear of the subject property is presently developed with a two-story residence, which does not appear to be constructed in conformance with the rear yard setback (15 feet); therefore, the neighboring residential structure appears to be non-conforming. Visually, the proposed residence will partially impact the existing views to the west (from the neighboring residence to the east of the project site); however, the impact that will occur is unavoidable in that the residence is designed to minimize the height, bulk and massing of the structure, and, the impact is a result of the non-conforming siting of the neighboring residence to the east.

Regarding materials, the structure would be clad in grey board-and-batten siding on the first story and grey Hardiboard shingles on the second story. The structure would be finished with dark grey composition shingled roofing, black anodized tube steel railings, and copper gutters.

Environmental Review: As proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA). Demolition of the existing structure is consistent with the CEQA Guidelines in Section 1 - Existing Facilities (15301). The construction of a replacement single-family dwelling is consistent with Section 2, Replacement or Reconstruction (15302).

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

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **171314** 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: Jocelyn Drake
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3127
E-mail: Jocelyn.drake@santacruzcounty.us

Coastal Development Permit Findings

- 1. That the project is a use allowed in one of the basic zone districts, listed in section 13.10.170(D) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned R-1-3.5(Single-family Residential, 3,500 square-foot lot size), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UH (Residential High Density) 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 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 and Section 13.20.140 et seq.**

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style, height, and massing. The project site is surrounded by small parcels developed to an urban density. Most of the neighboring residences are two-stories and feature wood siding in neutral colors. The project is designed in harmony with the surrounding aesthetic; the residence will feature a pitched roof and wood siding in a neutral grey color. The project site is not on a prominent ridge, beach, or bluff top.

- 4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between the nearest through 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 demolition and replacement of an existing single-family residence 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 residence is sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Many of the neighboring residences are two-stories in height, feature second-story decks, and are developed with parking in the front yard setback. The project, which consists of the demolition and construction of a replacement residence on a single-family residential zoned parcel, will result in a project that is

visually compatible with the surrounding neighborhood. Further, residential uses are allowed uses in the R-1-3.5(Single-family Residential, 3,500 square-foot lot size) zone district, as well as the R-UH (Residential High Density) General Plan and Local Coastal Program land use designation.

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, 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 site is located in a residential neighborhood, an area designated for residential uses. Construction of the new residence 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.

- 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 residence, and the conditions under which it would be operated or maintained, will be consistent with all pertinent County ordinances. The purpose of the R-1-3.5 (Single-family Residential, 3,500 square-foot lot size) zone district is to allow for the continued use and the development of parcels in a residential manner. As proposed, the primary use of the property will be residential. Except for the parking area in the front setback area and floor area ratio (for which Variances are proposed – see findings), the proposed residence is designed to meet the 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 R-UH (Residential High Density) land use designation in the County General Plan. Further, the proposed residential structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties.

The proposed residential structure will be properly proportioned to the parcel size and is consistent with the character of the neighborhood; therefore, the project conforms to the County's policies that address proportionality, as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed project will result in a residential design that could be approved on any similarly sized lot near the project site.

A specific plan has not been adopted for this portion of the County; however, the project site is located within the boundary of the Harbor area special community; therefore, the Harbor area special community design criteria applies to the project. As proposed, the new residential structure will feature a pitched roof and consist of clean lines and wood or wood-like construction, as stipulated in the Harbor area design section of the Zoning Ordinance.

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 residence would be constructed on an existing residential lot (the existing residence on the parcel will be demolished). The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day. Such an increase will not adversely impact existing roads or 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 residence will be located in a neighborhood developed with residential structures in a variety of architectural styles. The proposed residence 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 residence is designed to be compatible with the scale and visual aesthetic of development in the surrounding neighborhood. The neighboring residences primarily consist of two-story structures, reflective of an array of architectural styles. For the most part, structures in the neighborhood feature wood construction of some type, painted in a neutral color palette, with second story decks overlooking the Harbor.

The proposed project consists of the demolition of an existing single-story residence and the construction of a new two-story residence. The proposed height of the new structure will be approximately 24 feet from finished grade (26 feet from natural grade on the westernmost portion of the structure and 23 feet from natural grade on the easternmost portion of the structure). Consistent with the Harbor area design criteria, the proposed residence has been designed to feature a pitched roof and wood siding in a neutral grey tone. The windows proposed on the building elevations facing neighboring properties have been configured so as not to impact the neighbors' privacy.

The project submittal did not include a landscape plan; therefore, it is unknown at this time if new landscaping and/or fencing is proposed in conjunction with the redevelopment of the project site. Presently, the project site is minimally landscaped. The parcel is delineated along the front, rear, and side yard property lines by a three-foot tall wood fence. Given the exposed condition of the parcel in its current state, it appears the future residents of the proposed residence, as well as the neighbors, would benefit from additional landscaping, ideally consisting of a plant palette that will gain some height at maturity. Alternatively, the applicant may want to consider installation of taller fencing along the rear and side yard property lines (in compliance with the County's fence height specifications). A condition of approval has been included in the staff report that requires submittal of landscape plan as part of the building permit application.

Application #: 171314
APN: 027-162-14
Owner: Jennifer Haggerty

Variance Findings

- 1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.**

The Harbor neighborhood is characterized by limited street parking, resulting in one of the primary challenges for those who live in the neighborhood. It is therefore critical that all new projects in the neighborhood be designed to incorporate the required parking for the project on site. In order to accommodate on-site parking on the substandard sized 2,400 square foot parcel in conformance with the County's parking regulations, variance approval to allow the garage setback to be reduced from 20 feet to 18 feet is required. In addition, variance approval is required to allow the two uncovered parking spaces, proposed in the driveway and front yard, to encumber approximately 51% of the front yard setback. The composition of the on-site parking spaces, including one garage space, one driveway space, and one space in the front yard setback, is somewhat unconventional, yet workable, given the configuration of the project site and its juxtaposition with 5th Avenue. Further, many of the neighboring parcels are developed with on-site parking located in the front yard setback; therefore, is it reasonable to allow a reduction to the front yard setback, as well as an increase in the front yard lot coverage, to accommodate on-site parking commensurate with the development pattern of the neighboring parcels.

In addition to the variances requested to accommodate on-site parking, the applicant is requesting approval of a variance to the front yard setback to allow for construction of the second story deck footings within the front yard setback. Because the subject property is constrained in size, thereby requiring accommodation of parking in a portion of the front yard, the creation of usable open space in the front yard is challenging. To address this issue, the project applicant has designed a residence that includes a raised second story deck. Many of the neighboring residences along 5th Avenue feature second story decks of similar proportions and design. To carry out construction of the deck, approval of a front yard variance, to allow the setback to be reduced from 15 feet to 12 feet, 9 inches, as measured from the deck posts, is required. Being that the subject parcel is substandard in size, as compared to the prescribed minimum lot size for the zone district, it is reasonable and warranted to allow for a reduction to the front yard setback to accommodate usable open space (in the form of a raised deck).

Finally, variance approval is required to allow for an increase in the floor area ratio, from the permitted 50% to 57%. Because the subject parcel is smaller than the zoning district standard (2,400 square feet as opposed to 3,500 square feet) designing a residence that meets the 50% floor area ratio standard is challenging. An increase in the floor area ratio, from 50% to 57%, would allow for construction of a 1,380 square-foot residence. Being that the project is designed to reduce the visual impacts of the structure, and because the structure would still be well below the floor area permitted for a residence located on a conforming lot located within the R-1-3.5 zone district (1,750 square-feet), allowance of the increased floor area is reasonable and warranted.

The strict application of the development standards mandated by the Zoning Ordinance with respect to the aforementioned site standards would deprive the property owner the right to feasibly design a residence that simultaneously meets the parking, floor area ratio, and setback standards; therefore, the requested variances are warranted, and this finding can be made.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

The variance requests, for accommodation of the on-site parking in the front yard setback, a reduction to the front yard setback, and an increase to the floor area ratio, are minor in nature and will not affect the overall functionality or aesthetic of the project site. Given the substandard lot size, there are no feasible alternatives to the parking design. Further, the applicant is not eligible for a parking exception, given its proximity to the Harbor. In addition, it is not feasible to design a residence that meets both the setback and floor area ratio standards without significantly compromising the functionality of the property as a viable single-family residential use. The project has been sensitively designed to reduce adverse impacts to the neighbors and development of the project site, as proposed, will not be materially detrimental to public health, welfare, or safety; therefore, this finding can be made.

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

Approval of the Variance will not constitute granting a special privilege because the substandard size of the subject parcel warrants flexibility in the development standards. The purpose of the development standards for the R-1 3.5 zoning district is to minimize adverse effects to the surrounding neighborhood that would otherwise result from inappropriate development. Approval of variances to allow for a reduced front yard setback, increased lot coverage, and a 7.5% increase in the floor area ratio, would allow the subject property to be developed in a consistent manner as the neighboring properties. Many of the neighboring properties, also zoned R-1 3.5, are developed with parking located in the front yard setback and a floor area ratio that exceeds the 50%; therefore, this finding can be made.

Conditions of Approval

Exhibit D: Project plans, 7 sheets, prepared by DeMattei Construction, dated 02/01/18.

- I. This permit authorizes the demolition of a single-story residence and the construction of a new two-story residence on the property located at 102 5th Avenue, as indicated on the approved Exhibits "D" and "E" for this permit. 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, as applicable.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, as applicable.
- 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

3. Grading, drainage, and erosion control plans.
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.
5. Details showing compliance with fire department requirements. If the proposed structure is located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements of, and pay, applicable drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Meet all requirements of the City of Santa Cruz Water Department. Proof of water service availability is required prior to application for a Building Permit.
- D. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit.
- E. Meet all requirements of the Environmental Planning section of the Planning Department.
- F. Meet all requirements and pay any applicable plan check fee to the Central Fire Protection District.
- G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer, as applicable.
- H. Pay the current fees for Parks and Child Care mitigation for two bedrooms. Currently, the fee is \$109.00 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for two bedrooms.
- J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- K. A landscape plan shall be included as part of building permit plan set.

- L. Meet all Department of Public Works – Drainage Division requirements, including the following:
1. Demonstrate how the existing home controls and conveys stormwater runoff and include an updated tabulation table that clearly identifies all proposed impervious & semi-pervious materials to be used along with all existing surfaces to be removed.
 2. Address Section A - Submittal Requirements of the County Design Criteria (CDC). A topographic map should be included in the submittal that shows the existing and proposed drainage areas and drainage boundaries. A copy of the CDC can be found online by following the link: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DESIGNCRITERIA.pdf?ver=2017-04-27-134016-453>.
 3. Per Section C Part 1 Thresholds for Mitigation of the CDC, this project appears to be a 'Medium' project. Accordingly, address Section C Part 2 Source Control Measures of the CDC and implement the necessary measures consistent with California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development & Redevelopment projects. All Medium projects shall incorporate BMP's to minimize and mitigate pollutants of concern. Clarify how stormwater runoff will be captured, conveyed, and treated as much as feasible onsite. Section C Part 3b Minimize Stormwater Pollutants of Concern of the CDC outlines the County's prioritized list of acceptable onsite measures to implement. No stormwater features will be permitted within 5th Avenues right-of-way. All BMP's must be located within the parcel boundary. Refer to Section C Part 3c Site Design and Runoff Reduction of the CDC. All projects are required to minimize impervious surfaces and reduce stormwater runoff. Implement, wherever feasible, semi-pervious materials such as: decomposed granite, pervious pavers/concrete/or asphalt, or natural landscaping.
 4. This project is within an established Flood Control District as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.27 per square foot (fee is subject to change). This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. (Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure.) Otherwise, County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant. A 50% credit is given to all projects that implement semi-pervious surfaces such as: pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.
 5. Pursuant to the County of Santa Cruz Design Criteria (CDC), all new projects are required to be designed in accordance with Section C Part G #3. Please provide the Stormwater Section with an applicable/acceptable recorded document on the parcel deed. Per Section C Part G #3 of the CDC, "The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that

the property owner is responsible for maintenance of the drainage pathway (natural and/or man-made) through the parcel, and that the County & Flood Control District(s) are not responsible for the upstream runoff or for the maintenance of the drainage pathway.”

6. Upon approval of the project, a drainage “Hold” will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: To clear the Hold, one of these options must be exercised:
 - a. The designer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer’s letter shall be specific as to what was inspected, i.e. invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of “general conformance to plans” are not sufficient.
 - b. As-built plans stamped by the designer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
 - c. The designer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the designer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor’s name, address, license and phone number. The designer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the designer that the as-built plans meet the design intent and are adequate in detail, the designer shall submit the as-built plans and a review letter, stamped by the designer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory.
7. Provide a maintenance schedule establishing the ongoing requirements for maintenance and monitoring of all permanent stormwater management facilities in compliance with County Code 7.79 (this schedule shall also be included in the maintenance agreement as a packet when the applicant records and notarizes their SWM-25A form). It will be the responsibility of the homeowner to inspect and maintain all drainage features.
8. A recorded maintenance agreement will be required for the drainage system on this parcel. Please include the following additional information as required by the CDC:

- i. Statement of the operating requirements to ensure proper performance of the stormwater management facility.
- ii. Specification of any Best Management Practices that must be implemented and maintained.
- iii. Specification of any restriction on system use or property use, such as limitations on amount of impervious surface, limits on fertilizer or pesticide use, limits on vehicle parking or maintenance, restrictions on building additions, etc.
- iv. Notification that County staff may conduct routine inspections of the facility to ensure that the stormwater facilities are functioning properly and being maintained as needed.
- v. Notification that the property owner may be assessed an annual service charge and/or re-inspection fee to cover the County costs of inspection and oversight. See the current Unified Fee Schedule for Stormwater Management Maintenance inspection and oversight fees.
- vi. Notification that the property owner may be required to report to the County on the management and maintenance of the stormwater management facility. All large projects are required to report on at least an annual basis regarding system maintenance and are expected to be assessed an annual service charge.

The maintenance agreement shall be binding on and shall inure to the benefit of the successors, heirs, executors, administrators, and assigns of the owner.

- M. Please note on the plans that the proposed new driveways shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DCDriveways.pdf>
- N. Please indicate if there will be any trenching required in the right of way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410. If pedestrian, bicycle or vehicle traffic will be impacted please include a traffic control plan. If you have any questions, please contact Kristine Conley at 831-454-2054. The encroachment permit application form can be found at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/EncroachmentEditable.pdf>
- O. 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:
- P. All site improvements shown on the final approved Building Permit plans shall be

installed.

- Q. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- R. The project must comply with all recommendations of the approved soils report, as applicable.
- S. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

III. 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.

IV. 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.

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 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: _____

Zoning Administrator Signature: _____

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: 171314
Assessor Parcel Number: 027-162-14
Project Location: 102 5th Avenue, Santa Cruz

Project Description: Proposal to demolish an existing single-family residence and construction of a new 1,380 square foot single family residence on a residential parcel. The project entails minimal grading. No sensitive habitat or hazards on site.

Person or Agency Proposing Project: DeMattei Construction Inc.

Contact Phone Number: Jim Whitney, DeMattei Construction, 408-350-4200

- 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).
E. X **Categorical Exemption**

Specify type:

Class 1 – 15301 – Existing facilities & Class 2 -15302 - Replacement or Reconstruction

Class 1 consist of demolition of existing facilities, including single-family structures. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Reasons why the project is exempt:

Demolition of an existing single-family residence and construction of a new single-family residence on a residentially zoned parcel located in a residential neighborhood.

Jocelyn Drake, Project Planner

Date:_____

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____
TO: Support Staff
FROM: Jocelyn Drake
RE: Application # 171314

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)

Conditions of Approval

Development Permit No. 171314
Property Owner: Jenifer Haggerty
Assessor's Parcel No.: 027-162-14

Exhibit D: Project plans, 7 sheets, prepared by DeMattei Construction, dated 02/01/18.

- V. This permit authorizes the demolition of a single-story residence and the construction of a new two-story residence on the property located at 102 5th Avenue, as indicated on the approved Exhibits "D" and "E" for this permit. 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, as applicable.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way, as applicable.
- VI. 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 "D" on file with the Planning Department. Any changes from the approved Exhibit "D" 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. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.

2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.
3. Grading, drainage, and erosion control plans.
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.
5. Details showing compliance with fire department requirements. If the proposed structure is located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
- B. Meet all requirements of, and pay, applicable drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- C. Meet all requirements of the Santa Cruz County Water District. Proof of water service availability is required prior to application for a Building Permit.
- D. Meet all requirements of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit.
- E. Meet all requirements of the Environmental Planning section of the Planning Department.
- F. Meet all requirements and pay any applicable plan check fee to the Central Fire Protection District.
- G. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer, as applicable.
- H. Pay the current fees for Parks and Child Care mitigation for two bedrooms. Currently, the fee is \$109.00 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for two bedrooms.
- J. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

- K. A landscape plan shall be included as part of building permit plan set.
- L. Meet all Department of Public Works – Drainage Division requirements, including the following:
1. Demonstrate how the existing home controls and conveys stormwater runoff and include an updated tabulation table that clearly identifies all proposed impervious & semi-pervious materials to be used along with all existing surfaces to be removed.
 2. Address Section A - Submittal Requirements of the County Design Criteria (CDC). A topographic map should be included in the submittal that shows the existing and proposed drainage areas and drainage boundaries. A copy of the CDC can be found online by following the link: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DESIGNCRITERIA.pdf?ver=2017-04-27-134016-453>.
 3. Per Section C Part 1 Thresholds for Mitigation of the CDC, this project appears to be a 'Medium' project. Accordingly, address Section C Part 2 Source Control Measures of the CDC and implement the necessary measures consistent with California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development & Redevelopment projects. All Medium projects shall incorporate BMP's to minimize and mitigate pollutants of concern. Clarify how stormwater runoff will be captured, conveyed, and treated as much as feasible onsite. Section C Part 3b Minimize Stormwater Pollutants of Concern of the CDC outlines the County's prioritized list of acceptable onsite measures to implement. Please note, no stormwater features will be permitted within 5th Avenues right-of-way. All BMP's must be located within the parcel boundary. Refer to Section C Part 3c Site Design and Runoff Reduction of the CDC. All projects are required to minimize impervious surfaces and reduce stormwater runoff. Please implement, wherever feasible, semi-pervious materials such as: decomposed granite, pervious pavers/concrete/or asphalt, or natural landscaping.
 4. This project is within an established Flood Control District as part of the Santa Cruz County and shall be charged a fee based on the total new permitted impervious area created. The current fee is \$1.27 per square foot (fee is subject to change). This project may be eligible for fee credits for existing impervious areas previously permitted or built prior to the established flood control zone if acceptable documentation is presented. (Acceptable documentation can be in the form of an assessor's record, survey record, permit record, dated aerial photograph(s), or another official record that can confirm a previously permitted structure.) Otherwise, County staff will utilize the most relevant aerial photos to establish credit if no additional information is furnished by the applicant. A 50% credit is given to all projects that implement semi-pervious surfaces such as: pervious/porous/permeable pavers, porous concrete, porous asphalt, baserock, etc.
 5. Pursuant to the County of Santa Cruz Design Criteria (CDC), all new projects are required to be designed in accordance with Section C Part G #3. Please provide the Stormwater Section with an applicable/acceptable recorded document on the parcel deed. Per Section C Part G #3 of the CDC, "The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the drainage pathway (natural

and/or man-made) through the parcel, and that the County & Flood Control District(s) are not responsible for the upstream runoff or for the maintenance of the drainage pathway.”

6. Upon approval of the project, a drainage “Hold” will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: To clear the Hold, one of these options must be exercised:
 - a. The designer must inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The designer’s letter shall be specific as to what was inspected, i.e. invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of “general conformance to plans” are not sufficient.
 - b. As-built plans stamped by the designer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
 - c. The designer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the designer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor’s name, address, license and phone number. The designer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the designer that the as-built plans meet the design intent and are adequate in detail, the designer shall submit the as-built plans and a review letter, stamped by the designer to the County Public Works Department for review to process the clearance of the drainage Hold, if the submittal is satisfactory.
7. Provide a maintenance schedule establishing the ongoing requirements for maintenance and monitoring of all permanent stormwater management facilities in compliance with County Code 7.79 (this schedule shall also be included in the maintenance agreement as a packet when the applicant records and notarizes their SWM-25A form). It will be the responsibility of the homeowner to inspect and maintain all drainage features.
8. A recorded maintenance agreement will be required for the drainage system on this parcel. Please include the following additional information as required by the CDC:
 - i. Statement of the operating requirements to ensure proper performance of the stormwater management facility.
 - ii. Specification of any Best Management Practices that must be implemented and maintained.

iii. Specification of any restriction on system use or property use, such as limitations on amount of impervious surface, limits on fertilizer or pesticide use, limits on vehicle parking or maintenance, restrictions on building additions, etc.

iv. Notification that County staff may conduct routine inspections of the facility to ensure that the stormwater facilities are functioning properly and being maintained as needed.

v. Notification that the property owner may be assessed an annual service charge and/or re-inspection fee to cover the County costs of inspection and oversight. See the current Unified Fee Schedule for Stormwater Management Maintenance inspection and oversight fees.

vi. Notification that the property owner may be required to report to the County on the management and maintenance of the stormwater management facility. All large projects are required to report on at least an annual basis regarding system maintenance and are expected to be assessed an annual service charge.

The maintenance agreement shall be binding on and shall inure to the benefit of the successors, heirs, executors, administrators, and assigns of the owner.

- M. Please note on the plans that the proposed new driveways shall meet Figure DW-5 of the County of Santa Cruz Design Criteria (See Part 6 Driveways and Encroachments). Please include Figure DW-5 on the plans to facilitate proper construction by the contractor. The design criteria can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/DCDriveways.pdf>
- N. Please indicate if there will be any trenching required in the right of way. An encroachment permit will be required for all work proposed in the county right-of-way. Before your building application can be approved please submit an encroachment permit application with 2 sets of the plans (only the sheets showing work in R-O-W) directly to the Department of Public Works, 701 Ocean Street, Room 410. If pedestrian, bicycle or vehicle traffic will be impacted please include a traffic control plan. If you have any questions, please contact Kristine Conley at 831-454-2054. The encroachment permit application form can be found at: <http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/EncroachmentEditable.pdf>
- O. 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:
- P. All site improvements shown on the final approved Building Permit plans shall be installed.
- Q. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- R. The project must comply with all recommendations of the approved soils report, as applicable.

- S. Pursuant to Sections 16.40.040 and 16.42.080 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 16.42.080, shall be observed.

VII. 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.

VIII. 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.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 171314 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 171314 is null and void in the absence of the owner's signature below.

Property Owner(s) signatures: Executed on: _____ (Date)

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)
