

Staff Report to the **Zoning Administrator**

Application Number: 04-0293

Applicant: Daryl Woods Agenda Date: September 17,2004

Owner: Ricardo Wolf Agenda Item #: 3 APN: 046-241-19 Time: After 10:00 a.m.

Project Description: Proposal to remodel an existing significantly nonconforming single-family dwelling. Work will include removing an existing solarium and reframing the roof and walls to receive conventional skylights and windows; remodel an existing bathroom and add 22 square feet; enlarge an existing front deck, replace siding with cedar shingle siding, and replace all windows. Requires a Coastal Development Permit and a Variance.

Location: Property located at 245 Lindero Drive, south of the intersection of Crest Drive and Lindero Drive in La Selva Beach.

Supervisorial District: Second District (District Supervisor: Pirie)

Permits Required: Coastal Development Permit, Variance

Staff Recommendation:

- Approval of Application 04-0293, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

A. Project plans

B. Findings

C. Conditions

D. Categorical Exemption (CEQA

determination)

E. Assessor's parcel map, Location map

F. Zoning map, General Plan map

G. Comments & Correspondence

H. Site photographs

I. Permit history

Parcel Information

Parcel Size: 17,206 square feet, 0.395 acres

Existing Land Use - Parcel: Single-family residential

Existing Land Use - Surrounding: Single-family residential, agriculture

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #: 04-0293 APN: 046-241-19 OWNET: Ricardo Wolf

Project Access: San Andreas Drive to Crest Drive & Lindero Drive

Planning Area: San Andreas
Land Use Designation: A (Agriculture)

Zone District:

Coastal Zone:

Appealable to Calif. Coastal Comm.

RA (Residential Agriculture)

X Inside ___ Outside

X Yes ___ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site

Soils: Elder sandy loam

Fire Hazard Not a mapped constraint Slopes: 2 – 9 percent slopes

Env. Sen. Habitat: Mapped biotic/no physical evidence on site

Grading: No grading proposed

Tree Removal: No trees proposed to be removed

Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: No significant impact
Roads: Existing roads adequate

Parks: Existing park facilities adequate

Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ___ Inside ___X Outside

Water Supply: Pajaro Valley Water Management Agency

Sewage Disposal: Private septic system

Fire District: Aptos/La Selva Fire Protection District

Drainage District: Non-zone

History

The application was accepted at Santa Cruz County Planning Department on June 18,2004 and deemed complete on July 13,2004. An Agricultural Buffer Setback was approved for the parcel on September 24, 1980 and Building Permit No. 69660 for the construction of the residence received final inspection on September 18, 1984, and No. 90095 for the solarium addition received final inspection on April 10, 1990. An Agricultural Statement of Acknowledgement was recorded on the parcel on July 29,2004 as Document 2004-0054991.

Project Setting

The project is located at 245 Lindero Drive, in the **San** Andreas Planning Area. The 0.395-acre parcel is located on a block of single-family residences with commercial agriculture (CA) zoned lands to the immediate east and west. A 50-foot agricultural buffer, solid board fence, and vegetative screening have been required to protect the adjacent agricultural interests.

Application#: 04-0293 APN: 046-241-19 Owner: Ricardo *Wolf*

Zoning & General Plan Consistency

The subject property is a 17,206 square foot lot, located in the RA (Residential Agriculture) zone district, a designation which allows residential uses. The proposed remodel of the existing single-familyresidence is a principal permitted use within the zone district and the project is consistent with the site's (A) Agriculture General Plan designation. The residence is categorized as a significantly non-conforming residence as per County Code Section 13.10.265 in that the roof is 35-feet six-inches high, exceeding the 28-foot height limit for the RA zone district. As per County Code Section 13.10.265c, a Variance approval is required as there is reconstruction of the nonconforming height of the structure with the removal of the solarium and re-roofing. The Variance to height limitations is justified in that the roof replaces a structurally deteriorating solarium but does not enlarge the existing building footprint or increase the nonconforming height of the single-family residence.

Local Coastal Program Consistency

The proposed single-family residence is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed residential remodel project will not interfere with public access to the beach, ocean, or other nearby body of water. Public coastal access is available at Sunset and Manresa State Beaches in the project vicinity.

Design Review

The proposed single-family residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as the use of natural cedar shingles to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

The project is exempt from further environmental review as it is an existing structure, exempt **from** further review under Section 15301 of the Public Resources Code.

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.

Application # 04-0293 Page 4

APN: **046-241-19** Owner: **Ricardo Wolf**

Staff Recommendation

 APPROVAL of Application Number 04-0293, based on the attached findings and conditions.

• Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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: Joan Van der Hoeven

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) **454-5174** E-mail: pln140@co.santa-cruz.ca.us Application#: 04-0293 APN: **046-241-19** Owner: Ricardo Wolf

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 RA (Residential Agriculture), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, consistent with the site's (A) Agriculture General Plan designation.

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

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

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

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

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

This finding can be made, in that although the project site is located between the shoreline and the first public road, the single-familyresidence will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding *can* be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses **are** allowed uses in the RA (Residential Agriculture) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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 Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single-family residence 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 residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RA (Residential Agriculture) zone district in that the primary use of the property remains one single-family residence that meets all current site standards for the zone district, subsequent to the approval of the height variance.

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 continued residential use is consistent with the use and density requirements specified for the Agriculture (A) land use designation in the County General Plan.

The proposed single-family residential remodel will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and subsequent to the height variance approval, 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 residence 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 residence will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family residence will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, and number of stories) and will result in a structure consistent with a design that

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could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the proposed remodel of the existing single-family residence is to be constructed on an existing developed lot. The expected level *of* traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit), such an increase 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 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 single-family residence 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.

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 IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

The special circumstances applicable to the property are that the property has received prior approval for a construction of the roof height to 35-feet six-inches under different height calculation standards in force when Building Permit No. 69660 was issued in 1982 (Exhibit I). The solarium is in a deteriorating condition and must be replaced. Replacement of the solarium with conventional framed roofing will not alter the existing building footprint. All of the windows and the roof are to be replaced with **this** application.

2. THAT THE GRANTING OF A VARIANCE IS 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 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 in that the project is essentially a repair of an existing structure to replace roofing and windows. The height variance was not needed for the initial construction as height was calculated in a different manner and the structure conformed to existing 1982 standards. As this is a repair of existing roofing, and replacement of the solarium with conventional framed roofing, there is minimal change in the existing footprint, with the exception of a conforming 22 square foot bathroom addition on the first floor. The granting of a variance is consistent with zoning objectives of the RA zone district in that the primary use of the parcel remains residential. No views would be diminished, and access to light, solar access, and air are not materially compromised. The residential use of the property and is consistent with the objectives of the Residential Agriculture zone district in that the land use is residential, consistent with surrounding development.

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.

The granting of a variance to maintain existing building footprint will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated in that other properties in the vicinity and **R-A** zone district with similar parcel configurations and existing development would be given similar consideration. Construction shall be consistent with the required building permit. Furthermore, no further

Application #: 04-0293 APN: 046-241-19 Owner: Ricardo Wolf

departures from applicable development standards, e.g. a variance to the required on-site parking which would negatively impact the surrounding neighborhood, is necessary or has been proposed.

Required Findings for Non-Agricultural Development on or Adjacent to Commercial Agricultural Land – County Code Section 16.50.095(e)

ANY NON-AGRICULTURAL DEVELOPMENT PROPOSED TO BE LOCATED ON OR ADJACENT TO TYPE 1, TYPE 2 OR TYFE 3 AGRICULTURAL LAND SHALL BE SITED SO AS TO MINIMIZE POSSIBLE CONFLICTS BETWEEN AGRICULTURE IN THE AREA AND NON-AGRICULTURAL USES, AND WHERE STRUCTURES ARE TO BE LOCATED ON AGRICULTURAL PARCELS, SUCH STRUCTURES SHALL BE LOCATED SO AS TO REMOVE AS LITTLE LAND AS POSSIBLE FROM PRODUCTION OR POTENTIAL PRODUCTION.

The subject Residential Agriculture (RA) zoned parcel **is** adjacent to Commercial Agriculture zoned lands at APN's 046-241-03 and -08. The remodel of the existing structure does not further encroach into the required agricultural buffer setback that was previously approved, and maintains the required 50-foot setback from CA land and solid wood board fencing and evergreen vegetative barriers required. **An** Agricultural Statement of Acknowledgement has further been recorded for the parcel to protect adjacent commercial agricultural lands.

Required Findings for Agricultural Buffer Setback Reduction County Code Section 16.50.095 (b)

1. PERMANENT SUBSTANTIAL VEGETATION OR OTHER PHYSICAL BARRIERS EXIST BETWEEN THE AGRICULTURAL AND NON-AGRICULTURAL USES WHICH ELIMWATE THE NEED FOR A 200 FOOT BUFFER SETBACK.

An Agricultural Buffer Determination concluded that a 50-foot setback from adjacent CA zoned properties was required. This has been maintained with the addition of 6-foot tall solid wood board fencing and evergreen vegetative barriers to eliminate the need for a 200-foot buffer setback.

Conditions of Approval

Exhibit A: Project plans, **3** sheets by Daryl Woods, Architect, dated 6/18/04.

- I. **This** permit authorizes the remodel of **an** existing single-family residence. 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 indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
- 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 plan marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 - 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" form;
 - 2. Drainage and erosion control plans.
 - 3. Details showing compliance with fire department requirements.
 - B. Meet all requirements of and pay any required drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - C. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
 - D. Meet all requirements and pay any applicable plan check fee of the Aptos/L. Selva Fire Protection District.
 - E. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 ft wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- III. All construction shall be performed according to the approved plans for the Buildin 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

Application # 04-0293 APN 046-241-19 Owner: Ricardo Wolf

installed.

B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.

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.
- B. The required SO-foot agricultural buffer setback, 6-foot solid wood board fencing and evergreen vegetative barriers shall be maintained.

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 two years from the effective date unless you obtain the required permits and commence construction.

Approval Date:	<u>9/17/04</u>	
Effective Date:	10/01/04	
Expiration Date:	10/01/06	
Don Busse	•	Joan Van der Hoeven
Deputy Zoning Administrator		Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

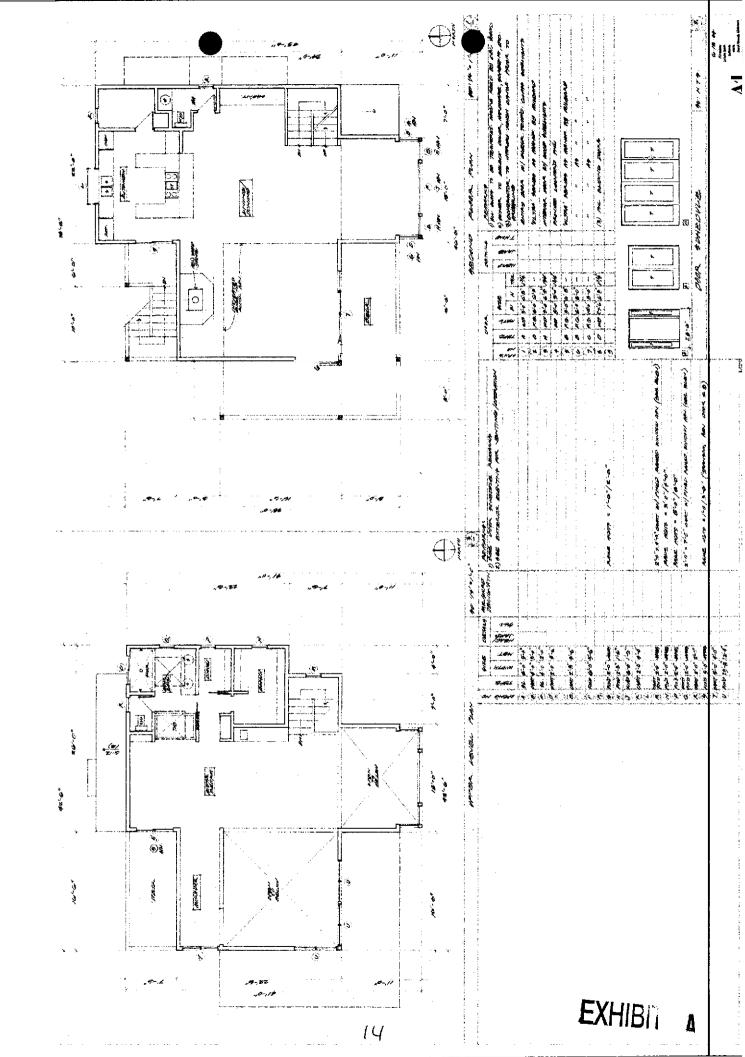
The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

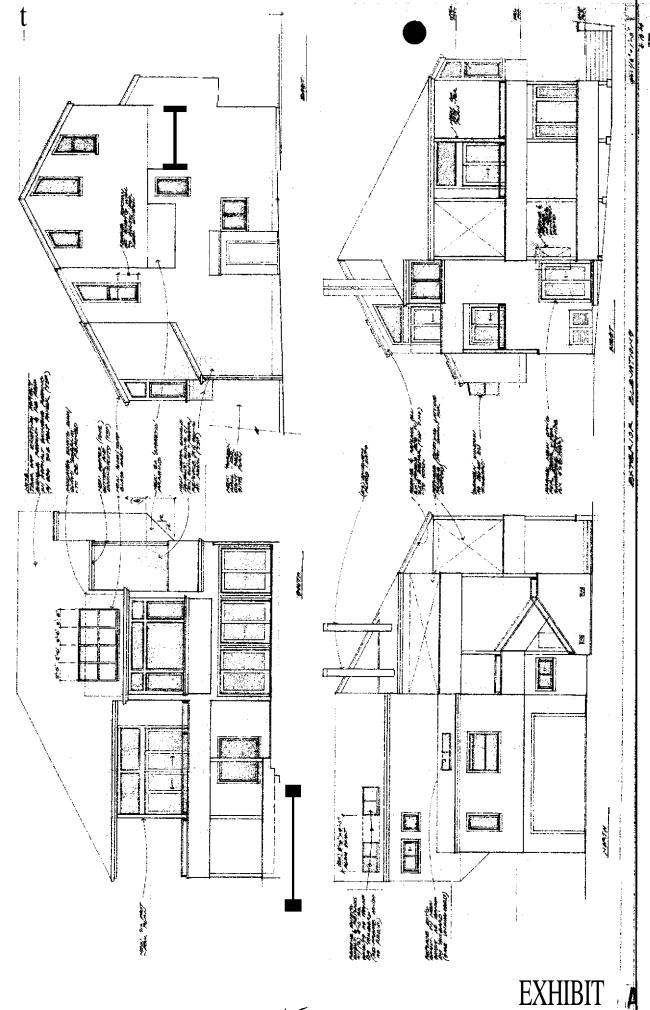
Application Number: 04-0293

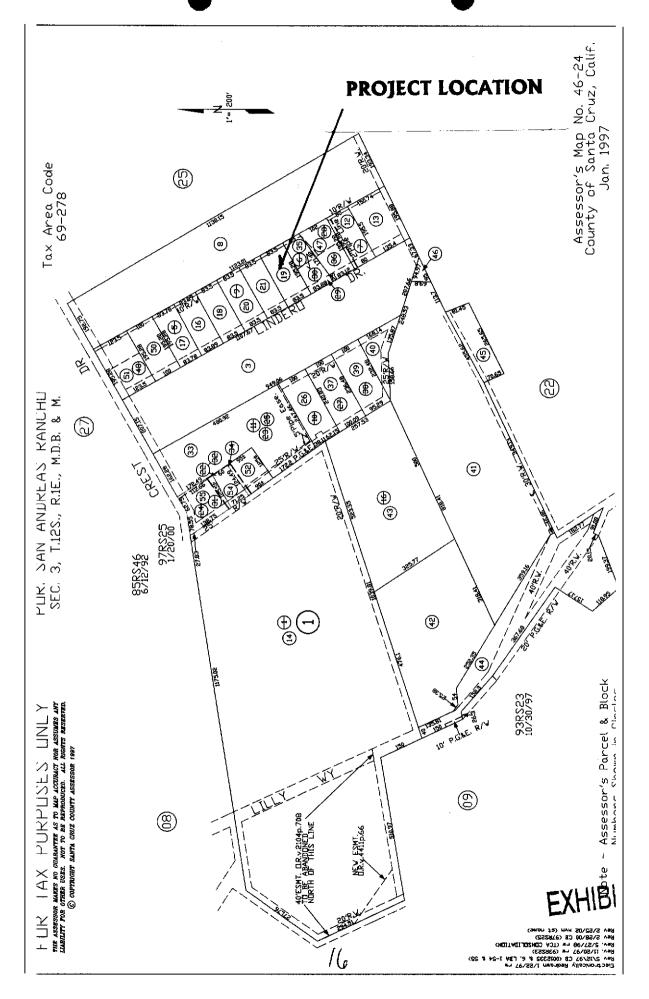
Assessor Parcel Number: 046-241-19 Project Location: 245 Lindero Drive, La Selva Beach				
Project Description: Proposal to remodel an existing significantly nonconforming single-family dwelling				
Person or Agency Proposing Project: Daryl Woods				
Contact Phone Number: (831) 786-8819				
 A The proposed 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: New Construction or Conversion of Small Structures (Section 15303)				
F. Reasons why the project is exempt:				
Remodel of an existing small structure where all public services available.				
In addition, none of the conditions described in Section 15300.2 apply to this project.				
Date: September 17,2004 Joan Van der Hoeven, Project Planner				

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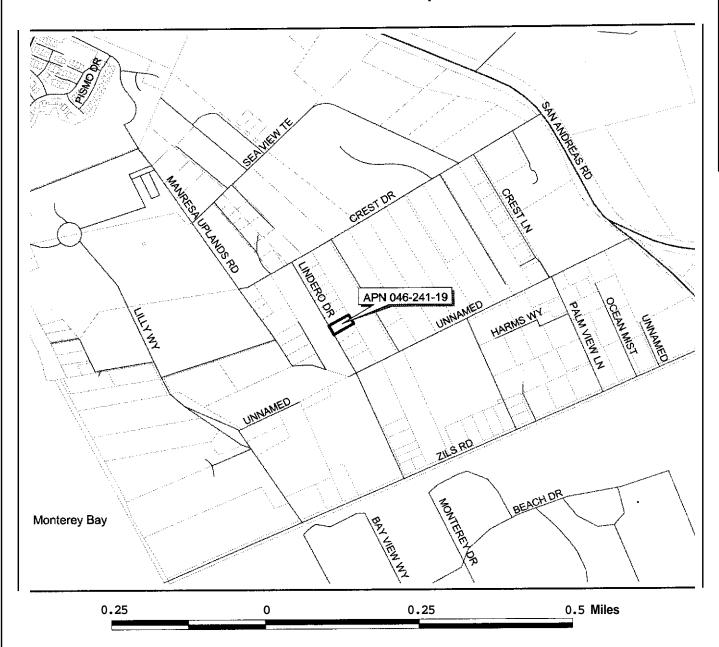
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Location Map

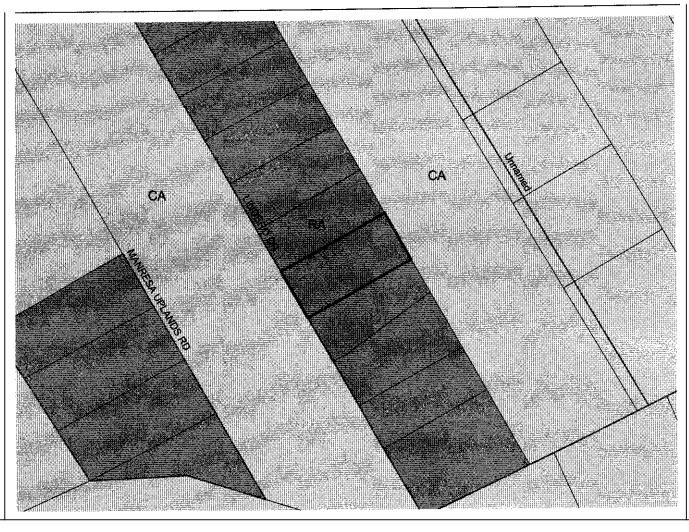


Map created by Santa Cruz County Planning Department: June 2004



EXHIBIT !

Zoning Map





Legend

APN 046-241-19

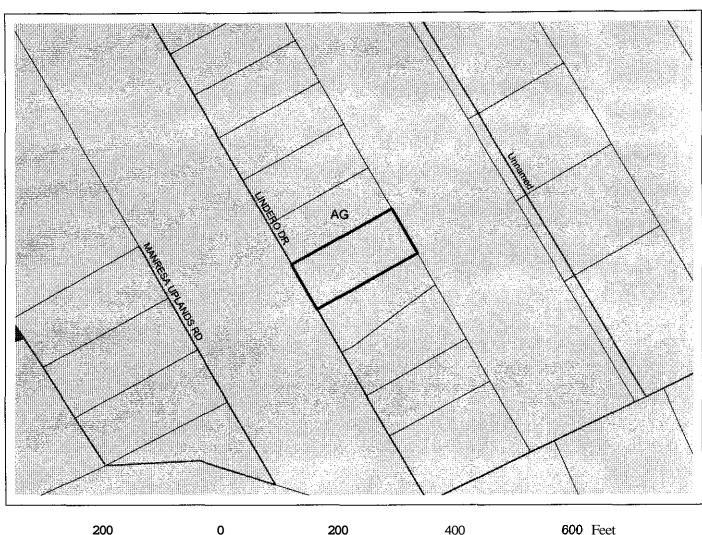
Streets
CA
RA



Map created by Santa Cruz County
Planning Department:
June 2004

EXHIBIT F

al Plan M



200 400 600 Feet

Legend

APN 046-241-19 Streets Agriculture

Map created **by** Santa Cruz County Planning Department: June 2004

EXHIBIT F

COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Joan Van Der Hoeven

Date: August 18, 2004 Time: 10:51:32 Application No.: 04-0293 Page: 1 APN: 046-241-19 Environmental Planning Completeness Comments ======= REVIEW ON JULY 22, 2004 BY ROBERT S LOVELAND == NO COMMENT Environmental Planning Miscellaneous Conments ====== REVIEW ON JULY 22. 2004 BY ROBERT S LOVELAND ==== NO COMMENT Project Review Completeness Conments ====== REVIEW ON JULY 13. 2004 BY JOAN VAN DER HOEVEN ======== NO COMMENT Project Review Miscellaneous Comments ====== REVIEW ON JULY 13, 2004 BY JOAN VAN DER HOEVEN = Structure is significantly nonconforming as to structure's height which exceeds the 28 foot height limit by about 7.5 feet as per County Code Section 13.10.270(k)5. 50-foot rear yard agricultural buffer setback. Ag Statement of Acknowledgement to be recorded if nbt already done under Application 2781C 90095







PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ CALIFORNIA 95060

(408) 425-2191

KRIS SCHENK Director

December 2, 1980

Mr. Ricardo Wolf 218 Bayview Court Aptos, California 95003

RE: AGRICULTURAL BUFFER SETBPCK FOR APN 46-241-19

Dear Mr. Wolf:

This letter is to advise you that the Pgricultural Policy Advisory Commission established a fifty-foot buffer for the above oarcel on September 24, 1989 when they considered an ag buffer application filed by Mrs. L. Medeiros (Mrs. Medeiros at the time believed the above oarcel was hers). It will therefore not be necessary for your plans to be reviewed by the APAC provided they conform to the conditions already stipulated: 1) at least 50' buffer from rear property line, 2) a bi solid board fence along the rear (east) property line and 3) a vegetative screen planted along the fence (no eucalyptus or Monterey Pine).

I will make the necessary notations on your building plans to clear them for further processing. However, a refund cannot be initiated on your application because the staff work has already been done. If you have any further questions please do not hesitate to call me.

Sincerely,

Pan de Grassi V Associate Planner

DdG/s1b

Street	et Linderc			
PARK DEDICATION FEE:	I.D.		G E K	TMTTTAL
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REVISION: 70184 3.29.82 WOLF, Ricardo, LUNN, D	2 218 Bayview Crt., Aptos	PARICEL NUMBER 46-241-19		
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WOLF, Ricardo	245 Lindero Dr., LSB	sfd 1,11,82		



Feb. 27, 1984

Santa Cruz Co. Planning Dept. Inspection Services Division 701 Ocean Street Santa Cruz, CA

Ath: Mr. Lon Moore

Ro: Wolf/Lunn Residence, 245 Linders Dr., La Selva Beach; Building Permit No. 69660.

Dear Mr. Moore:

I have made inspections at the above referenced residence and found the structural frame to be in conformance with the plans, on file with your office, and the structural calculations. Enclosed please find a copy of the structural calculations which reflect the latest plans.

Should you have any questions regarding the above please contact me at 923-3370.
Yours truly.

Sand J. Bagunelli. RCE No. 24966

cc: R. Wolf and D. Lunn

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EXHIBIT