



Staff Report to the Zoning Administrator

Application Number: **04-0377**

Applicant: Robert J. Goldspink, Architect
Owners: Mr. & Mrs. Jack & Ellen Feinstein
APN: 052-321-38

Agenda Date: February 04, 2005
Agenda Item #: **3**
Time: After 10:00 a.m.

Project Description: Proposal to construct a room addition and remodel an existing single-family dwelling, and install a propane tank and enclosure.

Location: Property located on the west side of Cormorant Way, about 400 feet from Rio Boca, at 127 Cormorant Way in Pajaro Dunes, Watsonville.

Supervisorial District: Second District (District Supervisor: Pirie)

Permits Required: Coastal Development Permit

Staff Recommendation:

- Approval of Application 04-0377, 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 | F. | Zoning map, General Plan map |
| B. | Findings | G. | Project Review Comments |
| C. | Conditions | H. | Pajaro Dunes Approval 9/16/04 |
| D. | Categorical Exemption (CEQA determination) | I. | Site photographs |
| E. | Assessor's parcel map, Location map | J. | Building Permit#15559 |

Parcel Information

Parcel Size:	7,840.8 square feet
Existing Land Use - Parcel:	Single-family residential
Existing Land Use - Surrounding:	Residential, State beaches
Project Access:	West Beach Road to Rio Boca & Cormorant Way
Planning Area:	San Andreas
Land Use Designation:	R-UL (Urban Low Residential)

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

Zone District: SU (Special Use)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: 128, Dune land
Fire Hazard: Not a mapped constraint
Slopes: Gently sloping sand dunes
Env. Sen. Habitat: Mapped biotic
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: 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 Outside
Water Supply: City of Watsonville
Sewage Disposal: City of Watsonville
Fire District: CDF
Drainage District: Zone 7 Flood Control/Water Conservation District

History

This application was received by the Santa Cruz County Planning Department on 8/06/04 and deemed complete for processing on 12/01/04.

Project Setting

The proposed project is located on the third row of houses in from the coastline with direct access to a parking area across Rio Boca Road from the Pajaro Lagoon in Pajaro Dunes.

Zoning & General Plan Consistency

The subject property is a 7,840 square foot lot, located in the SU (Special Use) zone district, a designation which allows residential uses. The proposed addition and remodel to the existing single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Residential General Plan designation. The project includes the removal of roof terrace parapet walls and exterior stairs, construction of a master bedroom and bath, stairs and deck on the upper level. The main floor is remodeled to reconfigure

the kitchen and dining areas, and a bedroom is added at the lower level. This results in a four-bedroom single-family dwelling of approximately 2,283 square feet. Three parking spaces are provided in the adjacent communal parking area on Cormorant Way.

Local Coastal Program Consistency

The proposed remodel and addition to *the* existing single-family dwelling and installation of a propane tank and trash enclosure is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range. Although the project site is located between the shoreline and the first public road, it is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. Public coastal access is available at Palm Beach in the immediate project vicinity.

Design Review

The project was reviewed and approved by the County Urban Designer and the Pajaro Dunes Association Design Committee (Exhibits G & H). The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance and the Pajaro Dunes Planned Unit Development site standards, in that the proposed project will incorporate site and architectural design features such as neutral earth tone exterior colors and the use of natural wood products for walls and decks to reduce the visual impact of the proposed development on surrounding land **uses** and the natural landscape.

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

- **APPROVAL** of Application Number **04-0377**, 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, AICP
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

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 SU (Special Use), a designation which allows residential uses. The proposed remodel and room addition to the existing single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Residential General Plan designation. The project complies with site standards of the Pajaro Dunes Planned Unit Development 74-400.

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. Any dune disturbance during construction shall be restored in a manner consistent with the natural dune landscaping.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; and the colors and materials shall be natural in appearance and complementary to the site.

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

This finding can be made, in that although the project site is located between the shoreline and the first public road, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water as public access is available at Palm Beach, immediately adjacent to the project site. 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 SU (Special Use) 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 addition to and remodel of the existing single-family dwelling and installation of a propane tank and enclosure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling remodel and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district in that the primary use of the property remains one single-family dwelling that meets all current site standards for the zone district.

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

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

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

The proposed single-family dwelling 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 dwelling remodel will comply with the site standards for the SU zone district and PUD 74-400 (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 remodel and addition to an existing single-family dwelling is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to change (1 peak trip per dwelling unit), and will not adversely impact existing roads and intersections in the surrounding area of Pajaro Dunes.

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 remodel of the existing structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed remodel 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 remodel of the existing single-family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project Plans, 13 sheets by Robert J. Goldspink, Architect dated 7/23/04 and revised 9/22/04.
Property survey by Ward Surveying, 1 sheet dated 4/23/04, revised 9/22/04.

- I. This permit authorizes the construction of an addition to and remodel of an existing single-family dwelling and the installation of a propane tank and trash enclosure. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
11. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. 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" format.
 2. For any structure proposed to be within two feet of the maximum height limit for the zone district, 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.
 3. The Landscaping Plan shall indicate an "Area of Disturbance" proposed to construct the addition. The use of California native dune species will be required for all areas disturbed. Identify species on the landscape plan.
 4. Drainage and erosion control plans. Provide construction details for new energy dissipators.
 5. Details showing compliance with fire department requirements.
 - B. Meet all requirements of and pay Zone 7 drainage fees to the County Department

of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

- C. Meet all requirements and pay any applicable plan check fee of the CDF Fire Protection District.
- D. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- E. Pay the current fees for Parks and Child Care mitigation for two bedrooms. Currently, these fees are, respectively, \$800 and \$109 per bedroom.
- F. Submit a written statement signed by **an** authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. Any dune disturbance shall be fully restored to pre-construction conditions. The use of California native dune species is required for all areas disturbed.

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

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AFN 052-321-38
Owner: Jack & Ellen Feinstein

actions, up to and including permit revocation.

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: 2/04/05

Effective Date: 2/18/05

Expiration Date: 2/18/07

Don Bussey
Deputy Zoning Administrator

Joan Van der Hoeven
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: 04-0377
Assessor Parcel Number: 052-321-38
Project Location: 127 Cormorant Way, Pajaro Dunes

Project Description: Proposal to construct a room addition and remodel an existing single-family dwelling, install propane tank and enclosure

Person or Agency Proposing Project: Robert J. Goldspink, Architect

Contact Phone Number: (831) 688-8950

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. **Categorical Exemption**

Specify type: Existing facility, Section 15301

F. Reasons why the project is exempt:

Existing residential development in an area designated for residential uses.

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

Joan Van der Hoeven
Joan Van der Hoeven, AICP Project Planner

Date: February 04, 2005

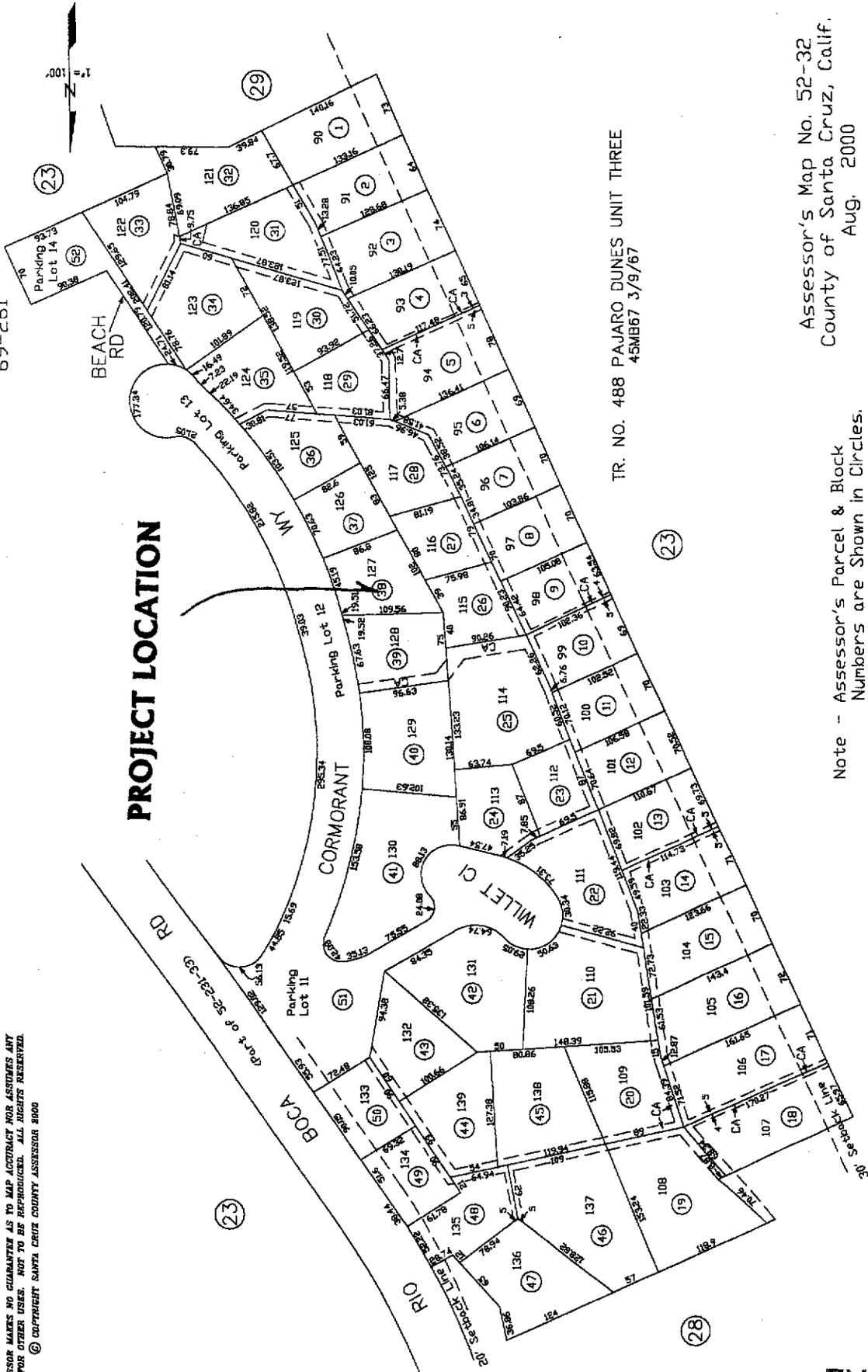
FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
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POR. SEC. 25, T.12S., R.1E., M.D.B. & M.

Tax Area Code
69-261

52-32

PROJECT LOCATION



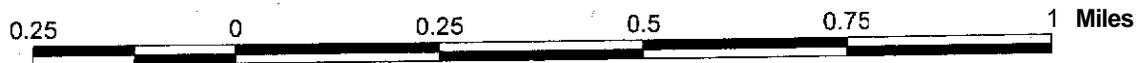
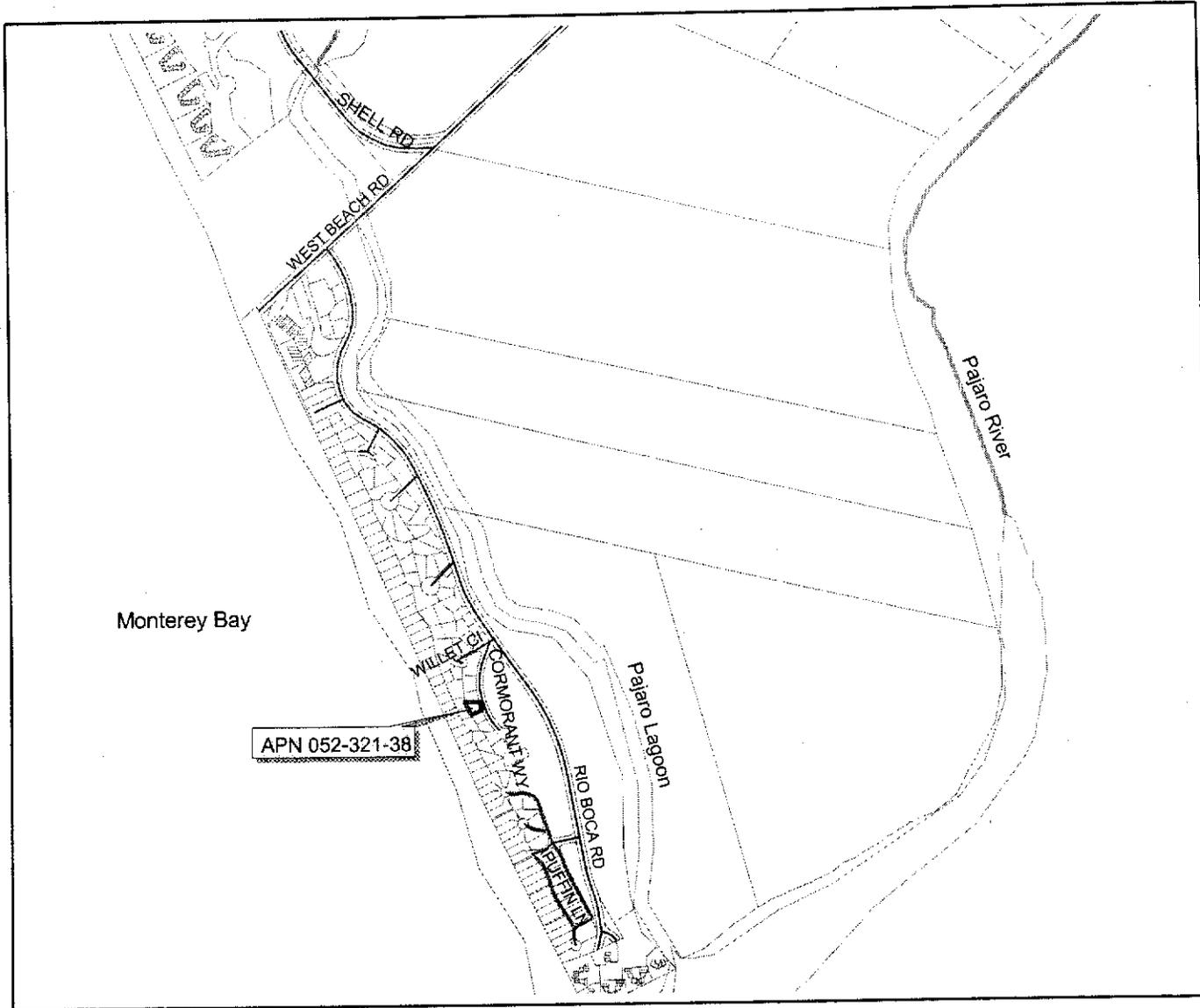
TR. NO. 488 PAJARO DUNES UNIT THREE
45MB67 3/9/67

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

Assessor's Map No. 52-32
County of Santa Cruz, Calif.
Aug. 2000

EXHIBIT E

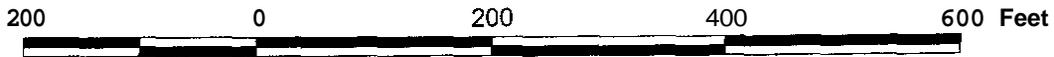
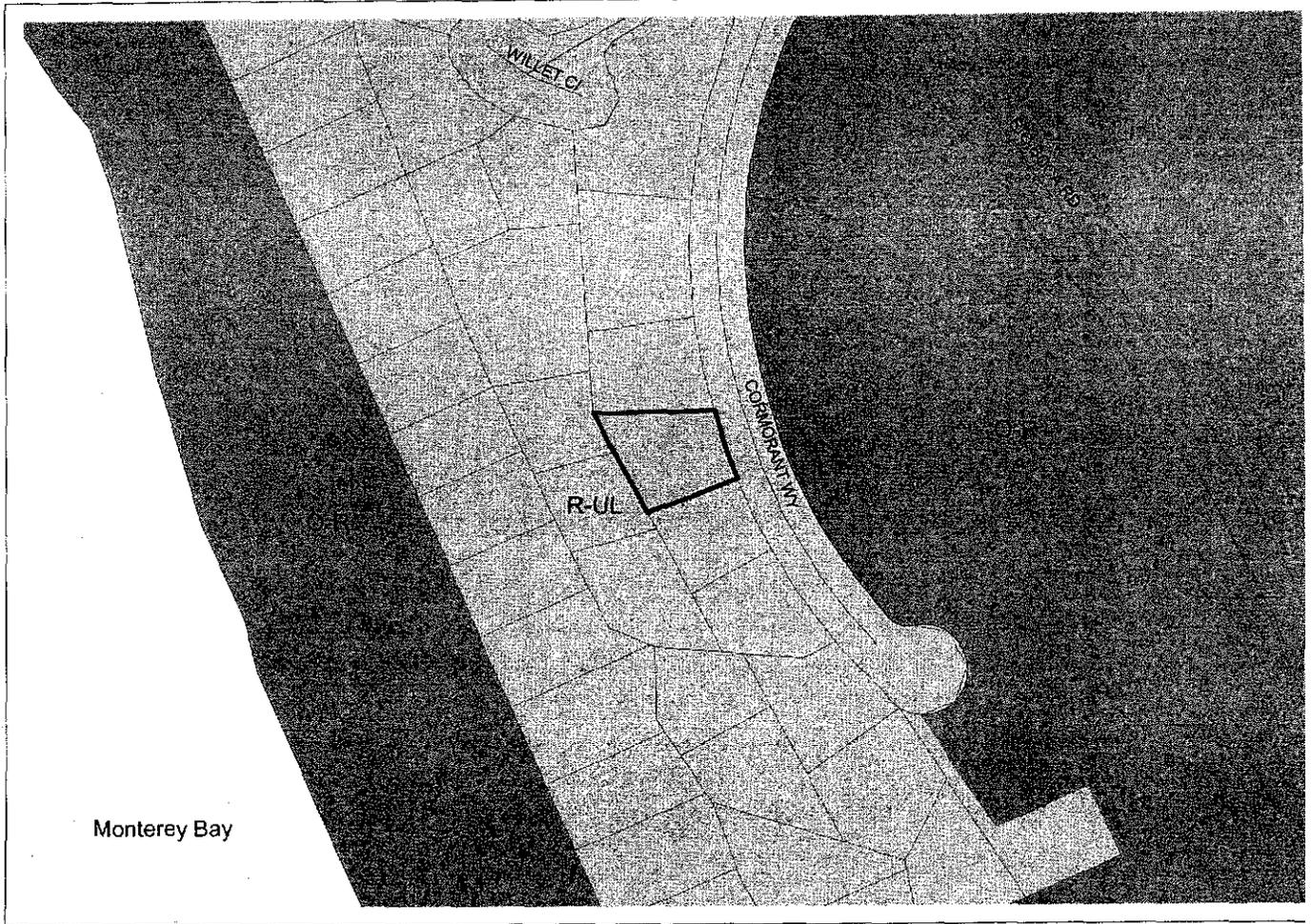
Location Map



Map created by Santa Cruz County
Planning Department:
August 2004



General Plan Map



Legend

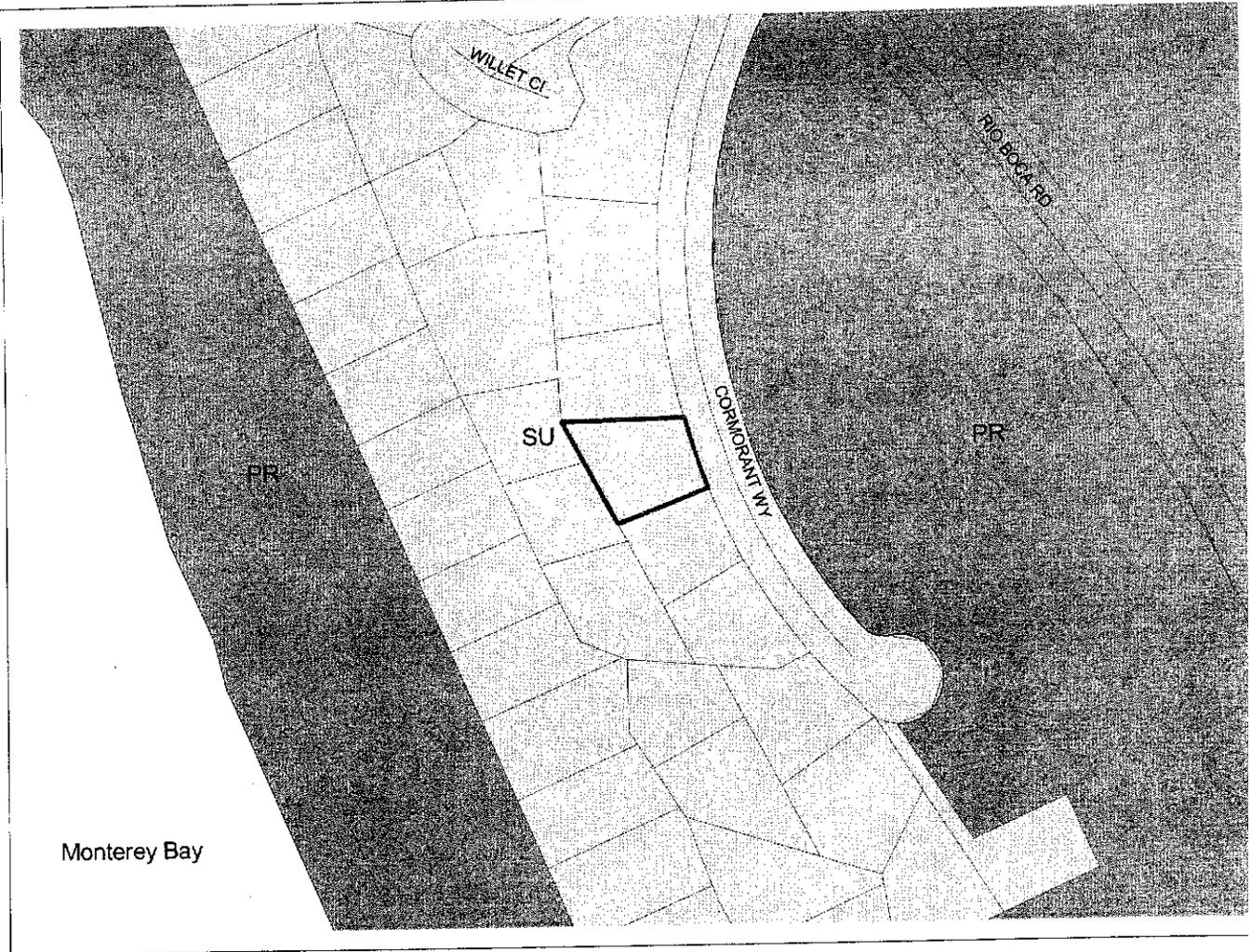
	APN 052-321-38
	Streets
	Parks and Recreation
	Residential - Urban Low Density



Map created by Santa Cruz County
Planning Department:
August 2004

EXHIBIT F

Zoning Map



Legend

	APN 052-321-38
	Streets
	SU
	PR



Map created by Santa Cruz County
Planning Department:
August 2004

EXHIBIT F

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Joan Van Der Hoeven
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Environmental Planning Completeness Comments

===== REVIEW ON AUGUST 27, 2004 BY ROBERT S LOVELAND =====

1. Please identify construction access route and the "Area of Disturbance" proposed to construct the addition. The use of California native dune species will be required for all areas disturbed, Please identify species on the "Landscaping Plan"
2. The "proposed redwood deck extension" is outside of the building envelope. Please revise drawings to show all development within the building envelope.
3. Biotic Pre-Site completed: Area contains mainly non-native vegetation. Areas disturbed during construction need to be replanted with California native dune species. ===== UPDATED ON NOVEMBER 9, 2004 BY ROBERT S LOVELAND =====

Comments above have been addressed.

Environmental Planning Miscellaneous Comments

===== REVIEW ON AUGUST 27, 2004 BY ROBERT S LOVELAND =====

Conditions of Approval:

1. Provide a detailed drainage plan for review. Provide construction details for new energy dissipators. 2. A list of California native dune plants to be used on the disturbed areas is required prior to building permit issuance.

Project Review Completeness Comments

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

===== REVIEW ON AUGUST 30, 2004 BY JOAN VAN DER HOEVEN =====

No new development may extend beyond the designated building envelope - deck extension to be deleted from consideration

Project Review Miscellaneous Comments

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

===== REVIEW ON AUGUST 30, 2004 BY JOAN VAN DER HOEVEN =====

Please provide Pajaro Dunes Homeowner's Association written review and approval of the proposed project.

Dpw Drainage Completeness Comments

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

===== REVIEW ON AUGUST 27, 2004 BY JOHN G LUMICAO ===== 1. The building applicant has NOT provided sufficient detail to constitute a complete a drainage plan The applicant should provide drainage information to a level addressed on the

Discretionary Comments - Continued

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guidelines for single family dwelling provided by the Planning Department. The drainage requirement may be obtained online at <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/Resbpreq.htm>

===== UPDATED ON NOVEMBER 10, 2004 BY JOHN G LUMICAO =====
NO COMMENT

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON AUGUST 27, 2004 BY JOHN G LUMICAO ===== No comment
===== UPDATED ON NOVEMBER 10, 2004 BY JOHN G LUMICAO =====
NO COMMENT

Dpw Road Engineering Completeness Comments

===== REVIEW ON AUGUST 25, 2004 BY TIM N NYUGEN =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON AUGUST 25, 2004 BY TIM N NYUGEN =====
NO COMMENT

Cal Dept of Forestry/County Fire Completeness Comm

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

===== REVIEW ON AUGUST 16, 2004 BY COLLEEN L BAXTER ===== DEPARTMENT
NAME: CDF/COUNTY FIRE Add the appropriate NOTES and DETAILS showing this information on your plans and RESUBMIT, with an annotated copy of this letter: Each APN (lot) shall have separate submittals for building and sprinkler system plans. The job copies of the building and fire systems plans and permits must be onsite during inspections. SHOW on the plans a public fire hydrant within 250 feet of any portion of the property, along the fire department access route, meeting the minimum required fire flow for the building. This information can be obtained from the water company. NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Fire Sprinkler System to this agency for approval. Installation shall follow our guide sheet. NOTE on the plans that an UNDERGROUND FIRE PROTECTION SYSTEM WORKING DRAWING must be prepared by the designer/installer. The plans shall comply with the UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT. NOTE on the plans that the roof covering shall be no less than Class "B" rated roof. All Fire Department building requirements and fees will be addressed in the Building Permit phase. Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction. 72 hour minimum notice is required prior to any inspection and/or test. Note: As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with the applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subse-

Discretionary Comments - Continued

Project Planner: Joan Van Der Hoeven
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quent review, inspection or other source, and, to hold harmless and without prejudice, the reviewing agency.

SHOW ON RE SUBMITTAL A CLEAR WALL LEGEND FOR PLAN REVIEW AND DETERMINATION FOR SPRINKLERS. SHOW ON LEGEND EXISTING AND NEW WALLS. ===== UPDATED ON AUGUST 16, 2004 BY COLLEEN L BAXTER =====

Cal Dept of Forestry/County Fire Miscellaneous Com

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

===== REVIEW ON AUGUST 16, 2004 BY COLLEEN L BAXTER =====

INTEROFFICE MEMO

Application No: 04-0377

Date: August 13, 2004

To: Joan Van der Hoeven, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a residential remodel at 127 Cormorant Way, Pajaro Dunes

GENERAL PLAN /ZONING CODE ISSUES

Design Review Authority

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

Design Review Standards

13.20.130 Design criteria for coastal zone developments

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

Ridgeline Development			
Structures located near ridges shall be sited and designed not to project above the ridgeline or <i>tree</i> canopy at the ridgeline	✓		
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted	✓		
Landscaping			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area	✓		
Rural Scenic Resources			
Location of development			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.	✓		
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points	✓		
Site Planning			
Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees , dominant vegetative communities)	✓		
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed	✓		
Building design			
Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction	✓		
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged	✓		

Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster	✓		
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings		NIA	
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for		NIA	
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure		NIA	
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development		N/A	
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project		NIA	
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements		NIA	
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited		NIA	
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts		N/A	

<p>In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors</p>		<p>NIA</p>	
<p>Beach Viewsheds</p>			
<p>Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive</p>	<p>✓</p>		
<p>No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)</p>	<p>✓</p>		
<p>The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred</p>	<p>✓</p>		

ROBERT J GOLDSPINK ARCHITECTS

October 13th 2004

Joan Van der Hoeven
County of Santa Cruz Planning Department
701 Ocean Street
Santa Cruz CA 95060

04 = 8377

FEINSTEIN RESIDENCE

127 Cormorant Way Pajaro Dunes

APN 052 327 38

Dear Joan,

Thankyou for your letter enclosing the Discretionary Application Comments, both dated 8.30.04. I respond to the comments, as follows:

Environmental Planning Completeness Comments

1. Construction Access Route and Area of Disturbance added to Drawing 1, Site Plan
2. The Pajaro Dunes PUD approval and CC&Rs permit decks to encroach beyond the Building Envelope. Please see enclosed Pajaro Dunes Association Design Committee Rules cover page and pages 4, 7 & 8, dated 9.2.2000. On 9.16.04 the Design Committee approved the proposed Living Room deck extension, as shown on our drawings, see copy letter from Pajaro Dunes Association, received 9.22.04
3. Drawing 8, Landscape Plan, amended to note that disturbed areas to be replanted with California native dune species, per Approved Plant List for Pajaro Dunes

Environmental Planning Miscellaneous Comments

1. Energy Dissipator Detail added to Drawing 9, Sitework Details

Project Review Completeness Comments

1. See Environmental Planning, #2, above for permitted deck encroachment

Project Review Miscellaneous Comments

1. I enclose a copy of the Pajaro Dunes Association letter, received 9.22.04, confirming approval of the design proposals including the deck encroachment

DPW Drainage Completeness Comments

1. Drawing 7, Sitework & Drainage Plan has been revised to show new and existing impervious areas and new storm water drains. Also see Revision 1 storm water notes on Drawings 2, 4, 5, X1, X3 & X4 for clarity. Entire site is sand dunes. Any unexpected runoff will be onto paved, public parking area

CDF/County Fire Completeness Comments

1. Drawing 9, Sitework Details, shows the location of and distance to the nearest fire hydrant [Hydrant #390], and the flow calculations. An automatic tire sprinkler system is not required as the project will disturb less than 75% of the existing exterior walls. A note has been added to Drawing 4, Elevations, and Drawing 6, Section C, indicating that roof covering shall be no less than class 'B' rated

Please call if you have any questions.

Sincerely,

Robert J Goldspink

cc: Jack & Ellen Feinstein w/ encl

8042 Soquel Drive Aptos CA 95003 tel [831] 688 8950 fax [831] 688 4402
RobertGoldspink@aol.com

EXHIBIT



Pájaro Dunes Association
 2661 Beach Road • Watsonville, CA 95076
 gatehouse@pajarodunesassociation.com
 (831) 761-7744

PÁJARO DUNES ASSOCIATION

DESIGN COMMITTEE PROJECT REQUEST RESPONSE FORM

This form must be submitted by the owner, approved by the Design Committee, signed by the owner and on file at the Gatehouse Before Work Can Commence

SECTION 1 (Homeowner or agent to complete)

Unit: H-127 Date Submitted: July 24, 2004 Gate received: July 24, 2004 Date Posted: August 7, 2004

Estimated Dates to commence/Complete: Unknown at this time

If you or your representative will not attend the meeting, where can we reach you if there are questions? 831 636-0949 If the Committee has questions and are unable to reach you, your approval could be delayed.

Description of Work: Remodel and enlarge house

Contractor/License #/Cell or Pager number: Architect is Robert Goldspink

Subcontractors List (list all you wish admitted through the gate on this approval): Unknown at this time.

SECTION 2 (Design Committee to Complete)

Approved Approved with Contingencies Denied Incomplete Application

Design Committee communication to homeowner/Agent: The Design Committee has reviewed your plans, posted them and invited homeowners to comment. The Committee finds that your remodel plans are consistent with Pájaro Dunes and meet the restrictions and requirements. The Committee requires that final plans be submitted prior to construction that include any changes required by the County. The Committee approves the request for a minor variance to grandfather in an existing deck that is approximately two and a half feet outside of the allowable encroachment and approves a minor variation to allow that grandfathered deck to extend to meet the remodel addition. The addition granted by this variance is two and a half feet wide by ten feet long.

Design Committee Approval Date: September 16, 2004 Design Committee Fees \$500 (already paid)

Approval Expiration Date: March 16, 2006 18 months from date of approval or an extension must be obtained.

Committee signature: Carol L Turley FOR THE DESIGN COMMITTEE
 (print Design Committee representative name) Carol Turley

SECTION 3 (Homeowner to complete)

I/We are aware that this form MUST be approved and on file before any workers will be admitted.

I/We are aware that all work done to the exterior of our house must have written Design Committee approval prior to work commencing. In addition to new construction or remodeling, I/We are aware that this includes:

- Repainting with the existing color
- Replacing existing windows, roof windows or skylights. (Approval for windows will only be given for replacement of ALL windows.)
- Replacing existing exterior light fixtures

- Relocating utility lines, cables, dishes and appurtenant structures
- Replanting existing landscaping
- Placement of a dumpster
- Placement of a portable toilet (placement on common area is discouraged)

I/We are aware that work is only permitted to be done during the following hours:

Monday through Friday - 8:00 a.m. to 5:00 p.m.

Saturday -with prior WRITTEN approval from the PDA Manager

Exceptions are situations where further damage to the structure will occur

I/We are aware that no one will be permitted to bring any animals into the complex when if they are confined to the vehicle.

I/We understand that most work requires regulatory agency permits. Design Committee approval is NOT in lieu of a permit Copy of Santa Cruz County permit attached

Owner Signature acknowledges Design Committee approval/contingencies

Print Name _____ Date: _____

Gatehouse received signed copy - date: _____ initials _____

Pajaro Dunes Association Design Committee Rules

Adopted September 2, 2000

RECEIVED

JUL 19 2004

**ROBERT J. GOLDSPINK
Architect**

Section Two

Design Approval Guide

What Work Requires Design Committee Approval

Any artificial alteration to the physical environment at Pajaro Dunes requires Design Committee approval. This rule applies to individual lots, condominiums, townhouses and common areas.

You must obtain Design Committee approval if you want to build something new or change the structure or appearance of the outside of an existing building. You need approval for painting, repainting or staining a building or its trim. You need approval for any changes in landscaping or topography at Pajaro Dunes, but landscape maintenance does not require Design Committee approval. The location or relocation of utility lines, cables and appurtenant structures must be reviewed and approved by the Committee. (CC&R Section 3.3.1, 3.3.1, 3.3.3) Section Three of these Rules includes the processes for

- Major projects;
- Minor projects;
- Painting, staining or re-roofing.

What Approvals Are Required

Owners cannot start building, remodeling, painting, landscaping and/or grading until they obtain the approval of the Design Committee. (CC&R Section 3.3.1, 3.3.2, 3.3.3) Building or remodeling must also be approved by the Santa Cruz County Planning Department and any other public agency that has jurisdiction.

Section Three of these Rules describes the procedures for obtaining Design Committee approval. Plans submitted to Santa Cruz County for building permits must be the same as the final plans approved by the Design Committee.

What Rules Must Be Obeyed

Government Rules

Owners must obtain all necessary approvals from public agencies in addition to Design Committee approval. Call the Santa Cruz County Planning Department to determine current rules and procedures, It is best to call them early in the design process.

- 2 18. In townhouses and condominiums, window coverings visible from outside are
3 considered part of the exterior of a structure. Window coverings visible from the
4 outside must be white or off-white. (Proposed New Provision)
- 5 19. Exterior lighting fixtures must be shielded within safety and aesthetic constraints.
6 Exterior lighting sources must not be visible from neighboring properties, including
7 the beach. Examples of acceptable lighting fixtures are on file at the Gatehouse.
8 (CC&R Section 3.4.10)
- 9 20. Skylights must be flat. They must be shielded if the Design Committee determines
10 they are disturbing views from neighboring property. (CC&R Section 3.4.10)
- 11 21. All landscaping must be consistent with a landscaping plan to be submitted and
12 approved by the Design Committee. Landscaping must:
- 13 a) Prevent or retard shifting or erosion of the dunes (CC&R Section
14 5.4.4.1);
 - 15 b) Encourage the growth of indigenous ground cover on the dunes
16 CC&R Section 5.4.4.1);
 - 17 c) Not interfere unreasonably with the views of any owners from their
18 residential units (CC&R Section 3.3.3);
 - 19 d) Not interfere with, dog or damage any water, sewer or other utility
20 pipes or lines which serve or service the residential unit of any
21 owner (CC&R Section 3.3.3);
 - 22 e) Consist of plants from a list approved by the Design
23 Committee and on file at the Gatehouse. The Committee
24 encourages the use of plants indigenous to the Central California
25 Coast. The Committee will not approve pampas grass nor
26 eucalyptus and discourages the use of ice plant and European Dune
27 Grass as ground cover. (Proposed new provision.)
- 28 22. Clustered Lot Rules. The special rules for lots 1-36, 54-67, 90-139, and 144-
29 145, which are known as clustered lots are:

30
31 Buildinn Location

32 On the front row lots bordering the ocean, improvements must be at least 50 feet
33 from the westerly property line.

34
35 Improvements must be within the building envelope boundaries if shown on the
36 subdivision map. (CC&R Section 3.4.2) These building envelopes should not be
37 larger than 50 feet by 50 feet. The Design Committee may grant an owner
38 permission to build part of his house on the open space if it concludes it is
39 necessary to make the building envelope useable for a residence. (CC&R Section
40 3.4.6.2) The total building area per floor must not be larger than the size shown
41 on the recorded subdivision map (2500 sq. ft.). (CC&R Section 3.4.5)

42
43 Encroachments of minor projections (beams, caves, chimneys, etc.) up to 6 feet at
44 the front and rear and 3 feet at the side beyond the building envelope may be

2 allowed where the **Design Committee** finds that it does not **significantly harm**
3 neighboring property. These encroachments **cannot** be within 20 feet of the front
4 property line or within 6 feet of the side property line or within 10 feet of the rear
5 property line. (CC&R Section 3.4.3) Raised decks, either supported or
6 cantilevered, are considered minor projections. **On-grade** decks or patios that are
7 no more than 12 inches above **grade** are also treated as minor projections. (Design
8 **Committee Rules 9/17/79**)

9
10 Building Height

11 The maximum height of buildings on ocean front lots shall not **exceed** the elevation
12 of the house on Lot 97 as it exists on January 1, 1995. (New Provision. Rewires
13 amendment of CC&R Section 3.4.4.I) The maximum height for **all other lots** is 35
14 feet above finish **grade** if allowed by the Santa Cruz County Planning Department.
15 (Letter m County Planning Department Permit Files) Height will be measured to
16 the top of the building, that is, the **ridgeline** of a pitched roof or the top of the
17 parapet if the building has a flat roof

18
19 Automobile Parking Facilities

20 No on-site parking facilities are permitted unless a lot is next to a rear parking area
21 or road and the Design **Committee** determines that **direct** vehicular access to such
22 lot is compatible with the physical site and is not detrimental to adjacent lots.
23 (Design **Committee** Rules 9/17/79, Section B 9)

- 24 23. Conventional Lot Rules. The special rules for lots 37-53, 68-89 and 140-143,
25 which are known as conventional lots, are:

26
27 Building Location

28 On the front row lots bordering the ocean, improvements must be at least 50 feet
29 from the westerly property line.

30
31 On lots 81 through 89, improvements must be at least 30 feet from Puffin Lane on
32 the easterly property line. (Design Committee rules, 9/17/79)

33
34 Building pads may **not** exceed **2,500** square feet excluding garages. The setbacks
35 are 20 feet in the front, 10 feet in the rear, and 6 feet on the sides. Side yards can
36 be 5 feet on one side and 7 feet on the other. (CC&R Section 3.4.3 and Letter in
37 County Planning Department files.)

38
39 Encroachments of minor projections (beams, eaves, chimneys, etc.) up to 6 feet at
40 the front and rear and 3 feet at the side beyond the building envelope may be
41 allowed where the Design Committee finds that it does not significantly harm
42 neighboring property. These encroachments cannot be within 20 feet of the front
43 property line or within 6 feet of the side property line or within 10 feet of the rear
44 property line. (CC&R Section 3.4.3) Raised decks, either supported or
45 cantilevered, are considered minor projections. On-grade decks or patios that are
46 no more than 12 inches above grade are also treated as minor projections. (Design

COUNTY OF SANTA CLARA

INTER-OFFICE CORRESPONDENCE

Date: February 18, 1969

To : Staff

From Jerry

Subject: POLICY FOR ADMINISTERING ENCROACHMENTS BEYOND RECORDED BUILDING SITE AREA -
"PAJARO DUNES PLANNED UNIT DEVELOPMENT"

1. Concrete flat work (including wood decks not more than 12 inches above ground level) shall be treated as landscape feature, and are allowed anywhere within property subject to requirements of the Uniform Building Code.
2. Front Yard shall be considered as that yard abutting a street or access walk.
3. Architectural features including sills, eaves, cornices, chimneys, open, unenclosed, uncovered balconies, porches, decks, platforms, stairways, and landing places may encroach beyond the limits of recorded building site a maximum of 6 feet at the front and rear, and 3 feet at the side; provided however, said encroachments may in no case be located closer than 20 feet from front property line; 6 feet from side property line; and 10 feet from rear property line.

When recorded map to:
Lawrence R. Tra...
Pajaro Dunes Association
2661 Beach Road
Watsonville, CA 95076

BOOK 3143 PAGE 284

6261

AMENDMENT TO
DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS
PAJARO DUNES ASSOCIATION

UJF

RECITALS

THIS AMENDMENT is made this 30th day of November, 1979, and is entered into for the purpose of amending that certain DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS AND BY-LAW dated December 15, 1976 and recorded in Book 1723, page 662 and following, Official Records, Santa Cruz County.

Said DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS or BY-LAWS are amended in the following respects:

1. Amend Article I definition of Fiscal. Year, page 4 as follows:

The term "fiscal year" shall mean a 12 month accounting budgeting period as determined by the Board of Directors.

2. Add to Article I, definition page 7 as follows:

The term "surplus" shall mean funds left over in the operating fund at the end of the fiscal year.

3. Amend Article III by adding to Section 3.04 paragraph (b) the following:

(1) Subject to Design Committee approval concrete floor work (including wood decks not more than 12 inches above ground level) shall be treated as landscape feature, and are allowed anywhere within property subject to requirements of the Uniform Building Code.

(2) Front Yard shall be considered as the yard abutting a street or access walk.

(3) Subject to Design Committee approval architectural features including sills, eaves, cornices, chimneys, open, unenclosed balconies, porches, decks, platforms, stairways, and landing places may encroach beyond the limits of recorded building setback a maximum of 6 feet at the front and rear, and 3 feet at the side provided however, said encroachments may in no case be located closer than 20 feet from front property line; 6 feet from side property line; and 10 feet from rear property line.

4. Amend Article VI by deleting the text of Section 6.02 (b), (1) and substituting the following:

a. An equal amount, to be fixed by the Association but not more than \$360 for any fiscal year, shall be assessed to the Owner of each lot in Pajaro Dunes; provided that said maximum amount may be adjusted upward in direct proportion to any increase in the Cost of Living Index measured from January, 1966, to six months immediately preceding the assessment; and

5. Amend Article VI by adding paragraph (c) as follows:

At the discretion of the Board of Directors any surplus in the operating fund from the preceding year may be placed in the development fund reserve account

(1) and substituting the following:

An equal amount, to be fixed by the Association but not more than \$36.00 for any fiscal year shall be assessed to the Owner of each lot in Pajaro Dunes; provided that said maximum amount may be adjusted upward in direct proportion to any increase in the Cost of Living Index measured from January 1966, to six month immediately preceding assessment.

7. Amend Article VI by deleting Section 6.06 (a) and substituting the following:

Each assessment under this Article VI shall be a separate distinct and personal debt and obligation of the Owner against whom it is assessed. If the Owner does not pay such assessment or any installment thereof when due, the Owner shall be deemed to be in default, and the amount of the assessment not paid, together with the amount of any subsequent default plus interest not to exceed 10% plus costs, including reasonable attorneys' fees, shall become a lien upon the lot or lots of such Owner upon recordation by the Association of a notice of default. Such lien shall be subject and subordinate to the lien of any mortgage upon the lot or lots of such Owner which is made in good faith and for value and is recorded prior to the recordation of such notice of default. The Association shall record such notice of default within sixty (60) days following the occurrence of such default and shall commence proceedings to enforce such lien within six (6) months following such recordation. The foregoing remedy shall be in addition to any other remedies provided by law for the enforcement of such assessment obligation.

8. Amend Article III of the BY-LAWS by deleting section 3.04 and substituting the following:

A copy of each such audit shall be made available to each member.

APPROVED AT REQUEST OF
Pajaro Dunes
500
DEC 11 9 25 AM '71
EXHIBIT
OFFICIAL RECORD
COUNTY OF SANTA CRUZ
RECORDED & INDEXED
RECORDED

CERTIFICATION

I, the undersigned do hereby certify,

1. That I am the duly elected Secretary of Pajaro Dunes Association, a California nonprofit corporation.

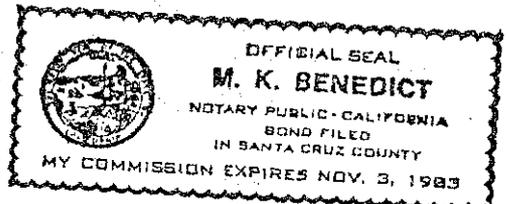
2. That the foregoing Amendments comprising two pages excluding this page, constitute the DECLARATION OF RESTRICTIONS COVENANTS AND CONDITIONS AND BY-LAWS of said corporation amended by 75% of the membership of the Association by written ballot closed November 15, 1979.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said corporation this 30th day of November, 1979

ATTEST

Gael Douglass
SECRETARY

State of California, } ss.
County of Santa Cruz



On this 30th day of November

in the year one thousand nine hundred and Seventy Nine before me,

M. K. Benedict Notary Public,

State of California, duly commissioned and sworn, personally appeared

Gael Douglass

known to me to be the person.....described in and whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

In Witness

I have hereunto set my hand and affixed my official seal

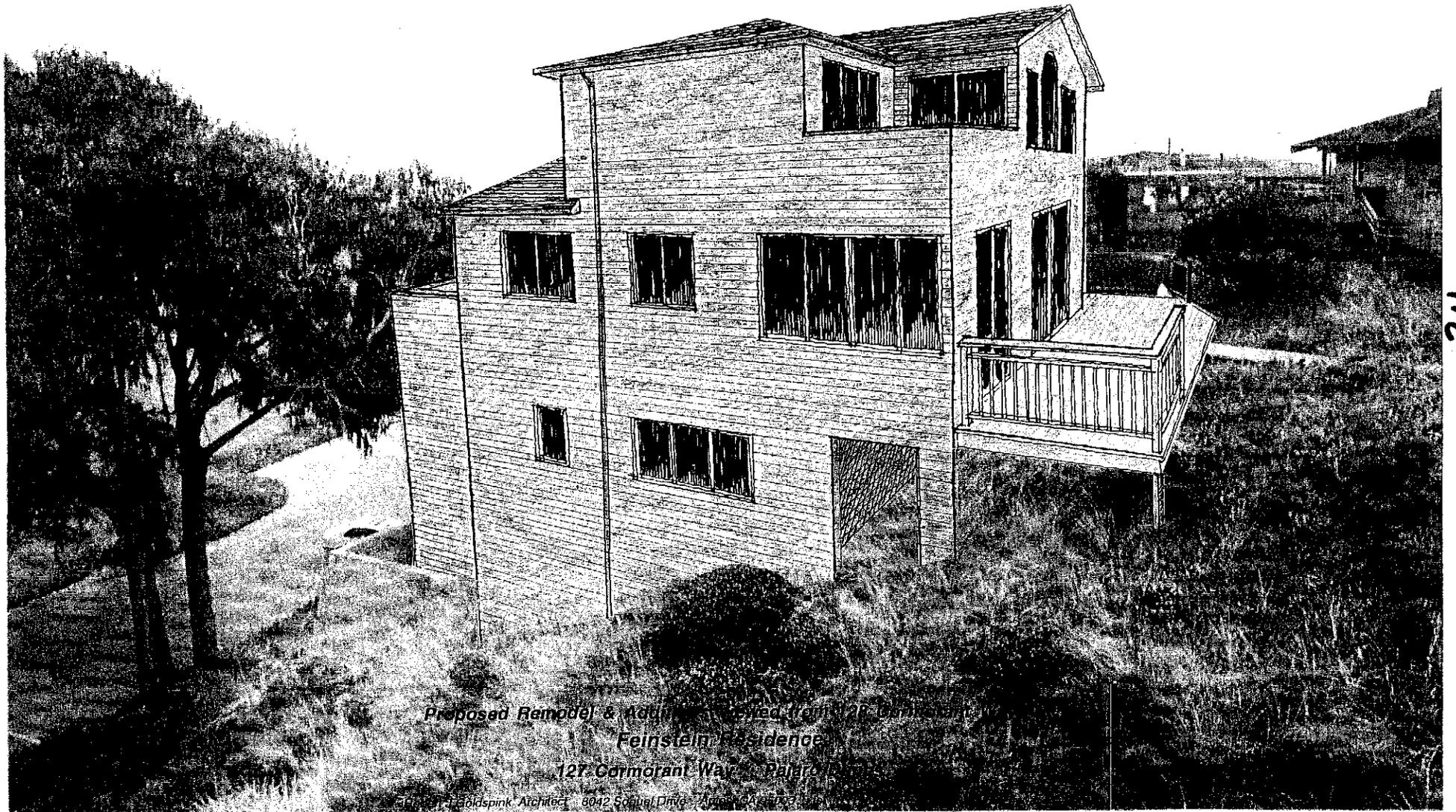
in the Santa Cruz County of

the day and year in this certificate first above written.

M. K. Benedict EXHIBIT H

Notary Public, State of California

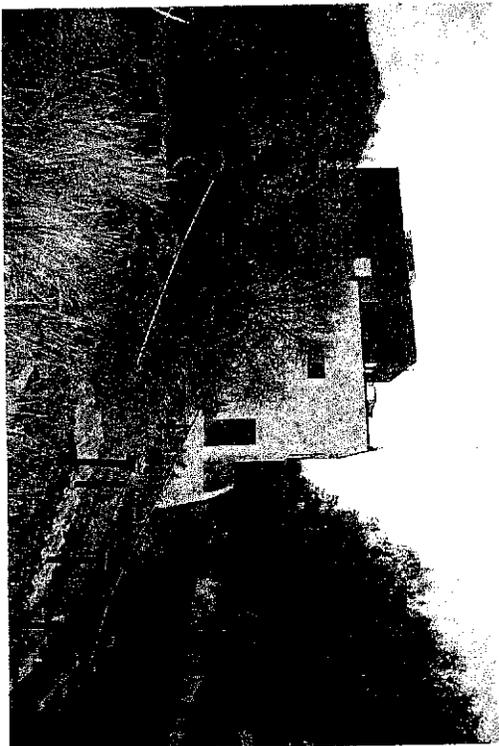
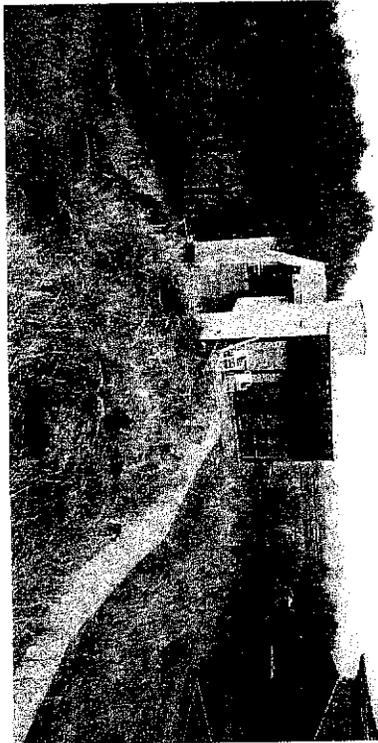
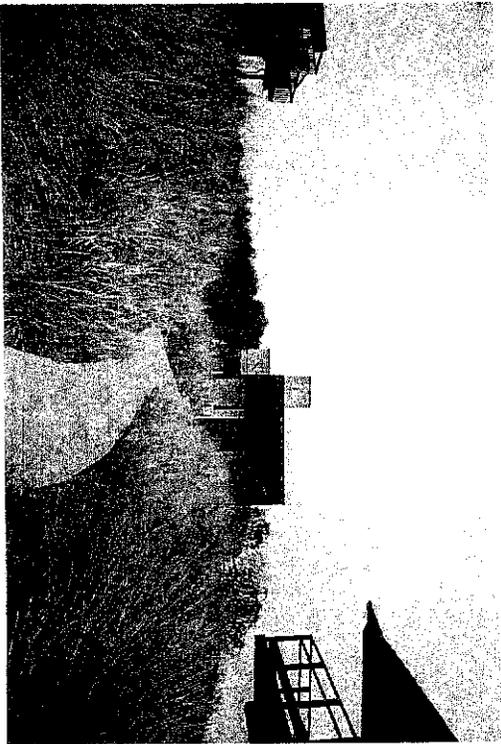
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*Proposed Remodel & Addition to Existing Home at 127 Carmarant Way
Feinstein Residence
127 Carmarant Way, Palmdale, CA*

Robert Goldspink, Architect 6042 Soquel Drive, Aptos, CA 95023

July 23rd 2004



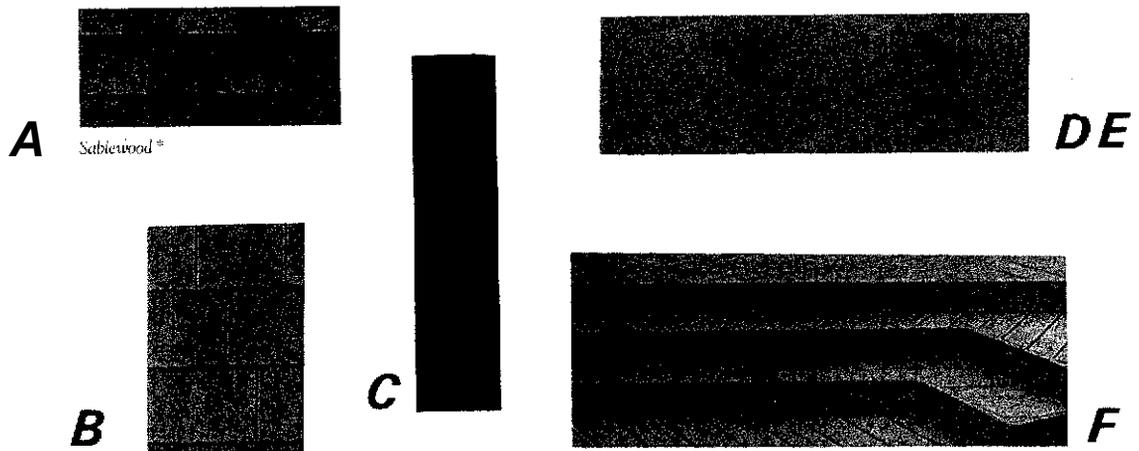
**Photographs of Existing House
Feinstein Residence**

127 Cormorant Way Pajaro Dunes

Robert J Goldspink Architect 8042 Sorquel Drive Aptos CA 95003 tel (831) 698 8950 fax (831) 698 4402
July 29th 2004

Proposed Exterior Materials

<i>Item</i>	<i>Element</i>	<i>Material, finish, color</i>
A.	<i>Roof</i>	<i>Elk Prestique 40-year composition shingles, color 'Sablewood'</i>
B.	<i>Walls</i>	<i>Cedar shingle siding, natural color</i>
C.	<i>Doors, Windows & Skylight</i>	<i>Metal windows with black epoxy paint finish to match existing</i>
D.	<i>Gutters, Downspouts & Roof Flashings</i>	<i>Copper, natural finish</i>
E.	<i>Plumbing Vents</i>	<i>Copper roof jacks</i>
F.	<i>Decks</i>	<i>Redwood to match existing</i>



Feinstein Residence

127 Cormorant Way Pajaro Dunes

Robert J Goldspink Architect 8042 Soquel Drive Aptos CA 95003 tel [831] 688 8950 fax [831] 688 4402

July 23rd 2004





EXHIBIT I



✓ OWNER **VanTAMELEN, Eugene, Dr.** PARCEL NUMBER **52-321-38**
 LOCATION **Lot 127, Cormorant Way, PAJARO Dunes, Watsonville** TYPE **2 bedrooms, 1-1/2 baths, 2 story SFD, no garage.** VALUATION **17,800**

BUILDING		PLUMBING AND GAS		ELECTRIC	
NAME GLEN HAGEN		NAME P & M Plumbing		NAME EARL WYCKOFF ELECTRIC	
PERMIT NUMBER 15559	DATE 2/20/70	PERMIT NUMBER 15980	DATE 3/27/70	PERMIT NUMBER 15559	DATE 3-3-70

BUILDING	PLUMBING AND GAS	ELECTRIC
FOUNDATION <i>OK. 3-3-70 LB (over)</i>	ROUGH <i>OK. 3/31/70 L.B.</i>	ROUGH <i>OK. 3/10/70 DWS</i>
FRAME <i>OK. 4-9-70 LB.</i>	VENT	FINISH <i>OK. 3-5-70 DWS.</i>
STUCCO WIRE <i>OK. 4-9-70 LB.</i>	FINISH <i>OK. 7/30/70 D.L.</i>	FIXTURES, ETC. <i>OK. 2-20-70</i>
LATH <i>OK. 4-24-70 DWS</i>	GAS - ROUGH	
FLUES <i>INT 5-9-70 DL.</i>	GAS - P.T.	
FINISH COMPLETE <i>OK. 7-30-70 O.L.</i>	GAS - FINISH <i>OK. 7-30-70 - DL.</i>	SERVICE CLEARED <i>Temp. OK. 3-5-70 DR</i>

BUILDING INSPECTION JOB RECORD