



Staff Report to the Zoning Administrator

Application Number: **04-0569**

Applicant: Martha A. Fiorovich, A.I.A.
Owners: Mr. & Mrs. Dennis & Jill Hunter
APN: 052-301-15

Agenda Date: 02
Agenda Item #: /
Time:

Project Description: Proposal to replace and extend exterior decking and replace/reconfigure doors and windows, and remodel the interior of an existing single-family dwelling.

Location: Project located on the west side of Rio Boca Road, south of West Beach Road, at 59 Avocet Circle in Pajaro Dunes.

Supervisory District: Second District (District Supervisor: Pine)

Permits Required Coastal Development Permit

Staff Recommendation:

- Approval of Application 04-0569, 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 | G. Comments & Correspondence |
| B. Findings | H. Site photographs |
| C. Conditions | I. Pajaro Dunes Design Committee Review and Regulations |
| D. Categorical Exemption (CEQA determination) | J. Deck banister framing/glazing detail |
| E. Assessor's parcel map, Location map | K. Building Permit #56881 |
| F. Zoning map, General Plan map | |

Parcel Information

Parcel Size:	9,191 square feet
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single-family residences, Palm Beach state park
Project Access:	West Beach Road to Rio Boca and Avocet Circle
Planning Area:	San Andreas

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

Land Use Designation: R-UL (Residential Urban Low)
Zone District: SU (Special Use)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Mapped floodplain
Soils: **128**, Dune lands
Fire Hazard: Not a mapped constraint
Slopes: Gently sloping dunes
Env. Sen. Habitat: Mapped biotic – dune grasses
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: X 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

The home on site was constructed under Building Permit #56881, receiving final inspection on 5/4/83 (Exhibit J). This application was received by the Planning Department on 11/15/04.

Project Setting

The project is located adjacent to the beach at Pajaro Dunes, about 1,500 feet south of the Planned Unit Development entrance on West Beach Road.

Zoning & General Plan Consistency

The subject property is a 9,191 square foot lot, located in the SU (Special Use) zone district, a designation which allows residential uses. The proposed remodel to the existing single-family dwelling and deck extension is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Residential Urban Low General Plan designation. The project is consistent with the PUD site standards of 74-400-PUD. The first **floor** is proposed to be remodeled to convert a family room to a fifth bedroom, while the second floor deck would be expanded. There

is no expansion of the existing building footprint, with the two-story house remaining at 3,995 square feet in area. Exterior decking is proposed to increase from 200 square feet to 500 square feet with the expansion of the upper level deck to be cantilevered six feet into the rear yard, consistent with allowed encroachments specified by the PUD. **As** the existing structure is more than 20 years old, its location immediately adjacent to the shore **has** resulted in the deterioration **of** exterior doors and windows, which are proposed to be reconfigured and replaced to complement the interior remodel. The remodel shall be consistent with the goal of maintaining the scenic integrity of the open beaches as per County Code Section 13.20.130.d.2.ii in that permitted structures shall minimize visual intrusion, with the use of natural materials, in subdued earth tone colors and non-reflective surfaces, which harmonize with the character of the area.

Local Coastal Program Consistency

The proposed remodel to the existing single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure remains 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 and condominiums. Size and architectural styles vary in the area, and the design submitted remains consistent 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 project will not interfere with public access to the beach, ocean, or other nearby body of water. Public access to the coastline is available at Palm Beach State Park in the immediate **project** vicinity.

Design Review

The proposed remodel of the existing single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as the use of natural materials, neutral earth tone colors, and non-reflective surfaces, to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Any site disturbance caused during construction shall be restored to pre-construction conditions, utilizing native Californian dune species.

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 **04-0569**, 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 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 of the existing single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UL) Residential Urban Low General Plan designation, and with the Planned Unit Development 74-400-PUD.

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. No expansion of the existing structure is proposed other than a minor second story deck cantilevered extension.

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; natural materials shall be utilized and non-reflective finishes shall harmonize with the character of the area.

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 existing single-family dwelling will not interfere with public access to the beach, ocean, or Pajaro River, lagoon and tributaries. Public access to the beach is available at Palm Beach State Park. 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 window and door replacements shall contribute substantially to energy conservation within the existing residence. The proposed existing single-family dwelling remodel 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, and no structural additions beyond a rear deck extension are proposed.

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 existing single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district in that the primary use of the property remains one existing single-family dwelling that meets all current site standards for the zone district and the Planned Unit Development site standards as per 74-400-PUD.

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 continued residential use remains consistent with the use and density requirements specified for the Residential Urban Low (R-UL) land use designation in the County General Plan. The existing 9,191 square foot parcel with one single-family dwelling is consistent with the one residence per 6-10,000 square foot standard.

The proposed remodel to the existing 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 existing single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone

district that ensure access to light, air, and open space in the neighborhood.

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

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 existing single-family dwelling remodel will be constructed on an existing developed lot. No significant change is expected in the level of traffic generated by the proposed project, and it 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 to an existing structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposal 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 existing single-family dwelling remodel will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties in that the exterior repairs are necessary to the dwelling because of its exposure to the elements. The project shall be consistent with County Code Section 13.20.130 in that the proposed remodel will minimize visual intrusion by using natural materials, **neutral** earth tone colors, and non-reflective finishes which harmonize with the coastal character of the surrounding area.

Conditions of Approval

Exhibit A: Project plans, 3 sheets by Martha A. Fiorovich, A.I.A., dated October 2004.

- I. This permit authorizes the construction of repairs to existing decking, replacement of doors and windows, and interior remodel of an existing single-family dwelling resulting in a **3,995** square foot, two-story single-family dwelling with 5 bedrooms. 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.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. 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. Glazed exterior surfaces adjacent to the beach shall be of low reflectivity.
 2. Drainage and erosion control plans.
 3. 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. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, **\$800** and **\$109** per bedroom.
 - E. Provide required off-street parking for **4** cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- 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. Any dune disturbance shall be fully restored to pre-construction conditions. The use of California native dune species is required for all restoration.

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.

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: 02/04/05

Effective Date: 02/18/05

Expiration Date: 02/18/07

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: 04-0569

Assessor Parcel Number: 052-301-15

Project Location: 59 Avocet Circle, Pajaro Dunes, Watsonville CA 95076

Project Description: Proposal to replace and extend exterior decking, replace/reconfigure existing doors and windows, interior remodel of an existing single-family dwelling

Person or Agency Proposing Project: Martha Fiorovich, A.I.A.

Contact Phone Number: (831) 724-1878

- 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: Class 3 - New Construction or Conversion of Small Structures - Existing small structure (Section 15301)

F. Reasons why the project is exempt:

Replacement of weather damaged decking, doors and windows, interior remodel of an existing single-family dwelling

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

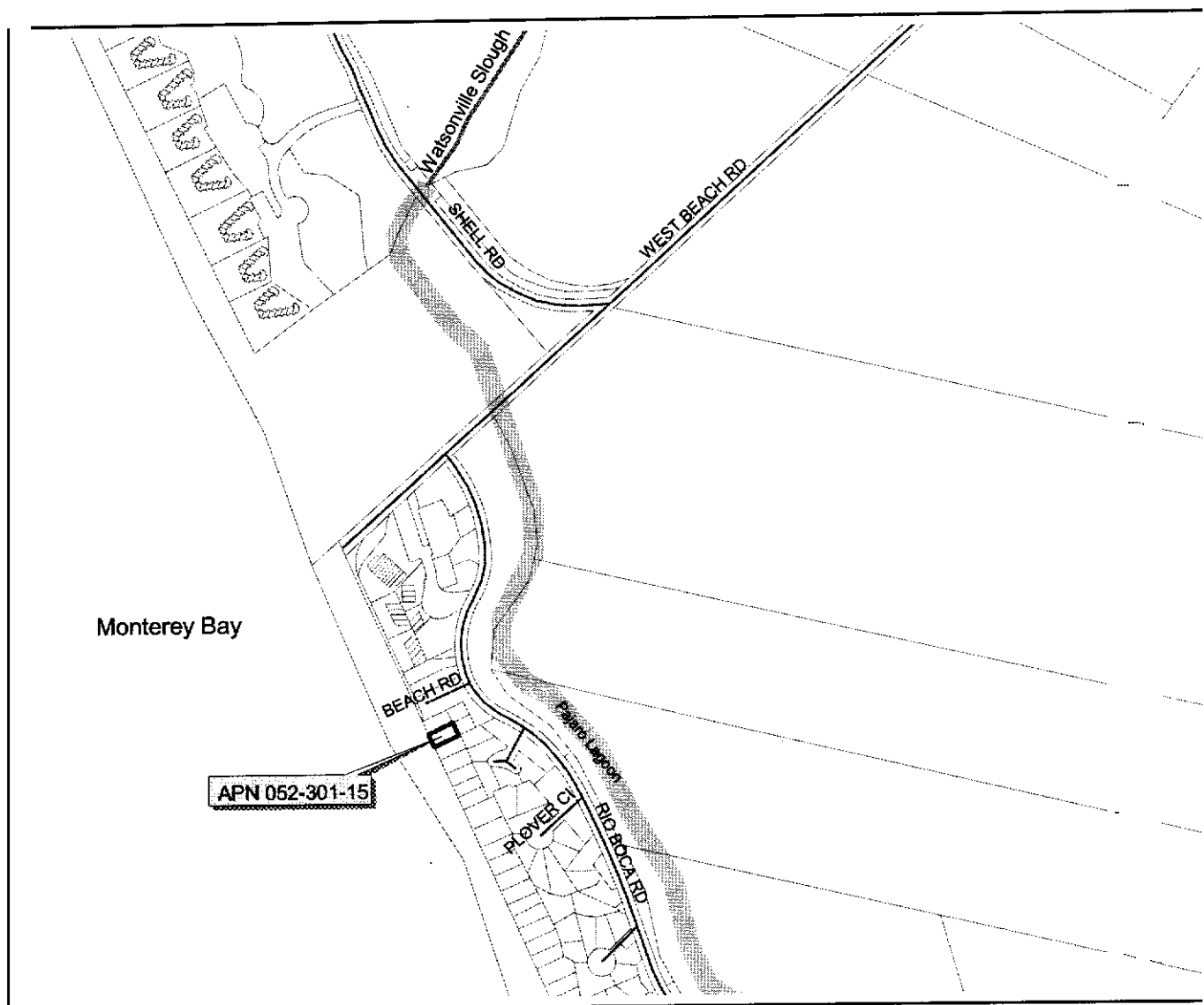

Joan Van der Hoeve, AICP, Project Planner

Date: February 04, 2005

10

EXHIBIT D

Location Map



1000 0 1000 2000 3000 Feet

Map created by Santa Cruz County
Planning Department:
December 2004



FUR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

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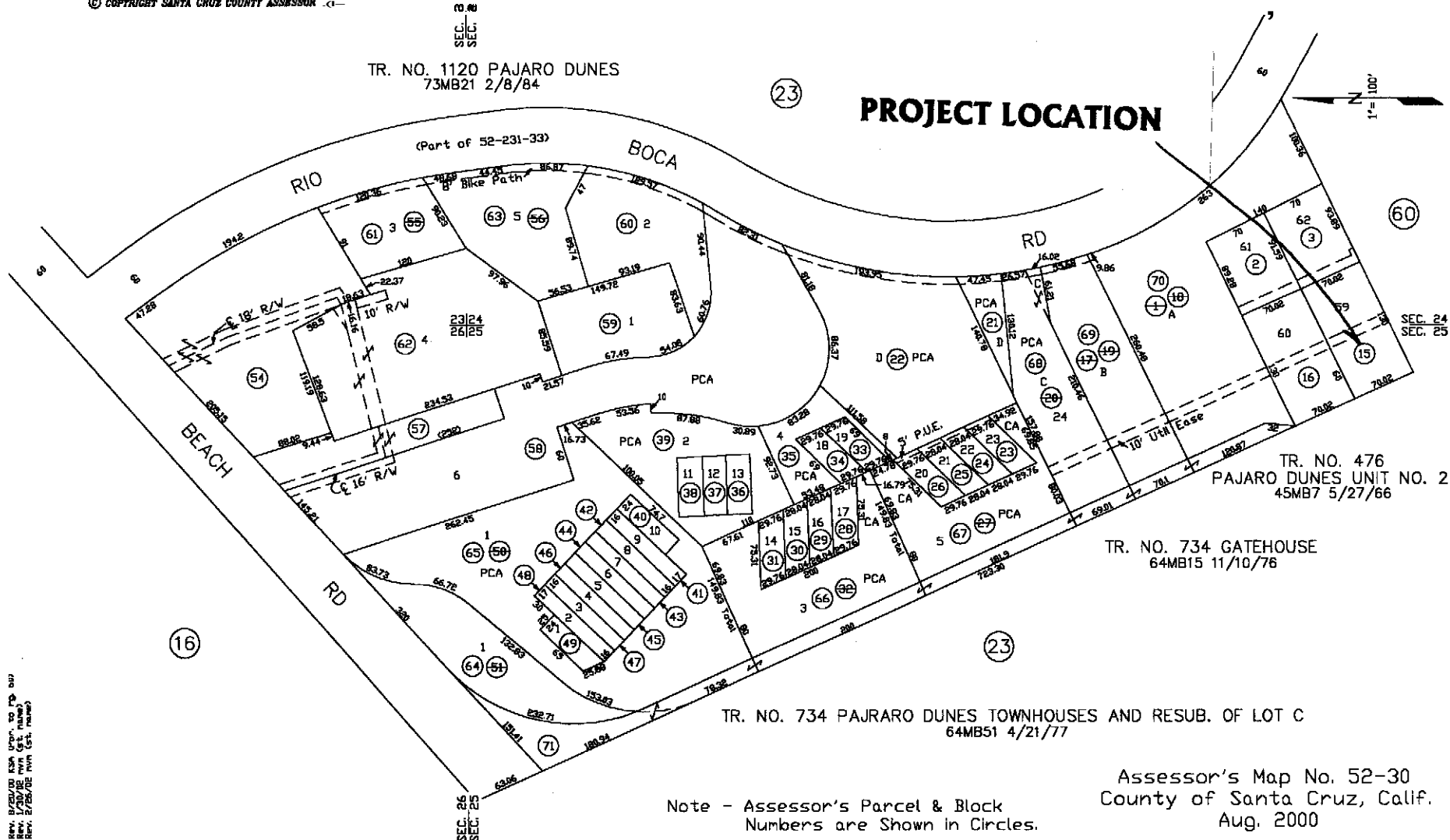
PUR. RANCHO BULSA DEL PAJARO
SECS. 23, 24, 25 & 26, T.12S., R.1E., M.D.B. & M.

Tax Area Code
69-261

52-30

TR. NO. 1120 PAJARO DUNES
73MB21 2/8/84

PROJECT LOCATION

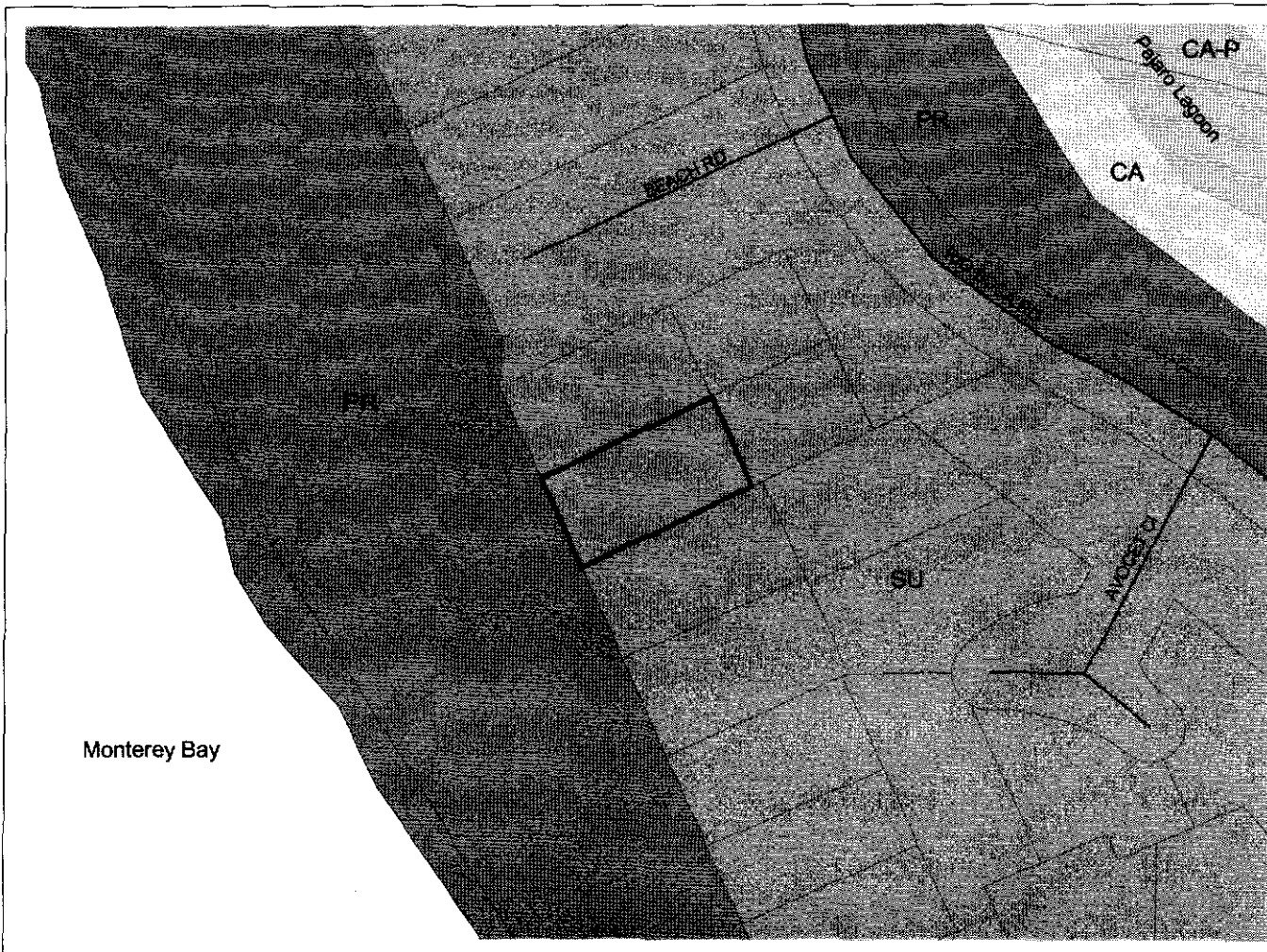


Note - Assessor's Parcel & Block
Numbers are Shown in Circles.

Assessor's Map No. 52-30
County of Santa Cruz, Calif.
Aug. 2000

REV. 5/20/00 KSA UNP. TO 730 DU
REV. 5/20/00 KSA UNP. TO 730 DU
REV. 5/20/00 KSA UNP. TO 730 DU

Zoning Map



200 0 200 400 600 Feet

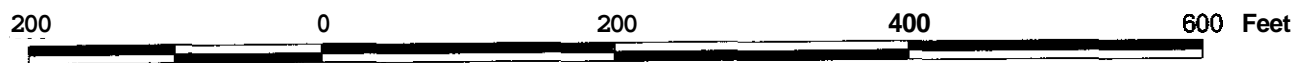
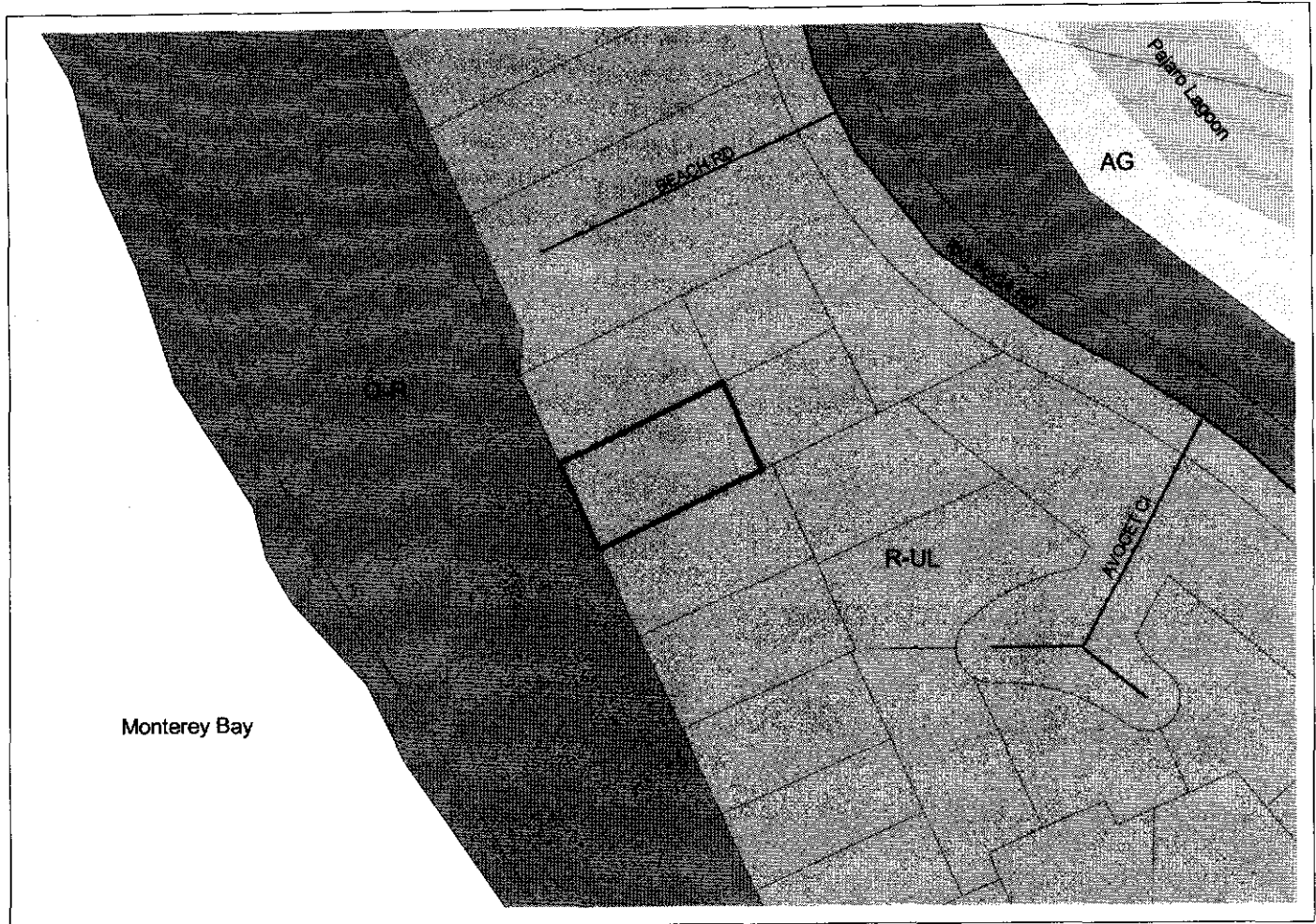
Legend

	APN 052-301-15
	Parcel boundaries
	Streets
	Lake
	CA
	SU
	PR

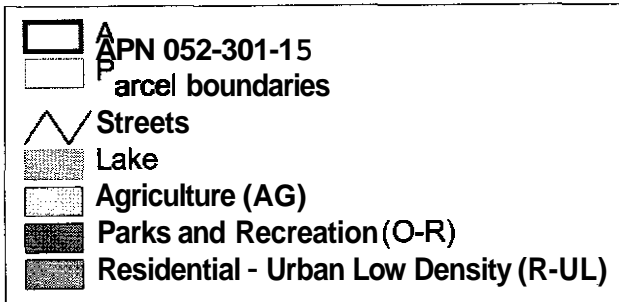


Map created by Santa Cruz County
Planning Department:
December 2004

General Plan Map



Legend



Map created by Santa Cruz County
Planning Department:
December 2004

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
Application No. : 04-0569
APN: 052-301-15

Date: December 30, 2004
Time: 09:02:52
Page: 1

Project Review Completeness Comments

===== REVIEW ON DECEMBER 15, 2004 BY JOAN VAN DER HOEVEN =====

Please provide letter of review by the Pajaro Dunes Homeowner's Association indicating approval of the project.

Project Review Miscellaneous Comments

===== REVIEW ON DECEMBER 15, 2004 BY JOAN VAN DER HOEVEN =====

Dpw Drainage Completeness Comments

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

===== REVIEW ON DECEMBER 9, 2004 BY CARISA REGALADO =====

Plans accepted as submitted. Discretionary stage application review is complete for this division. (Additional note in Miscellaneous Comments.)

If needed, further drainage plan guidance may be obtained from the County of Santa Cruz Planning website: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm>

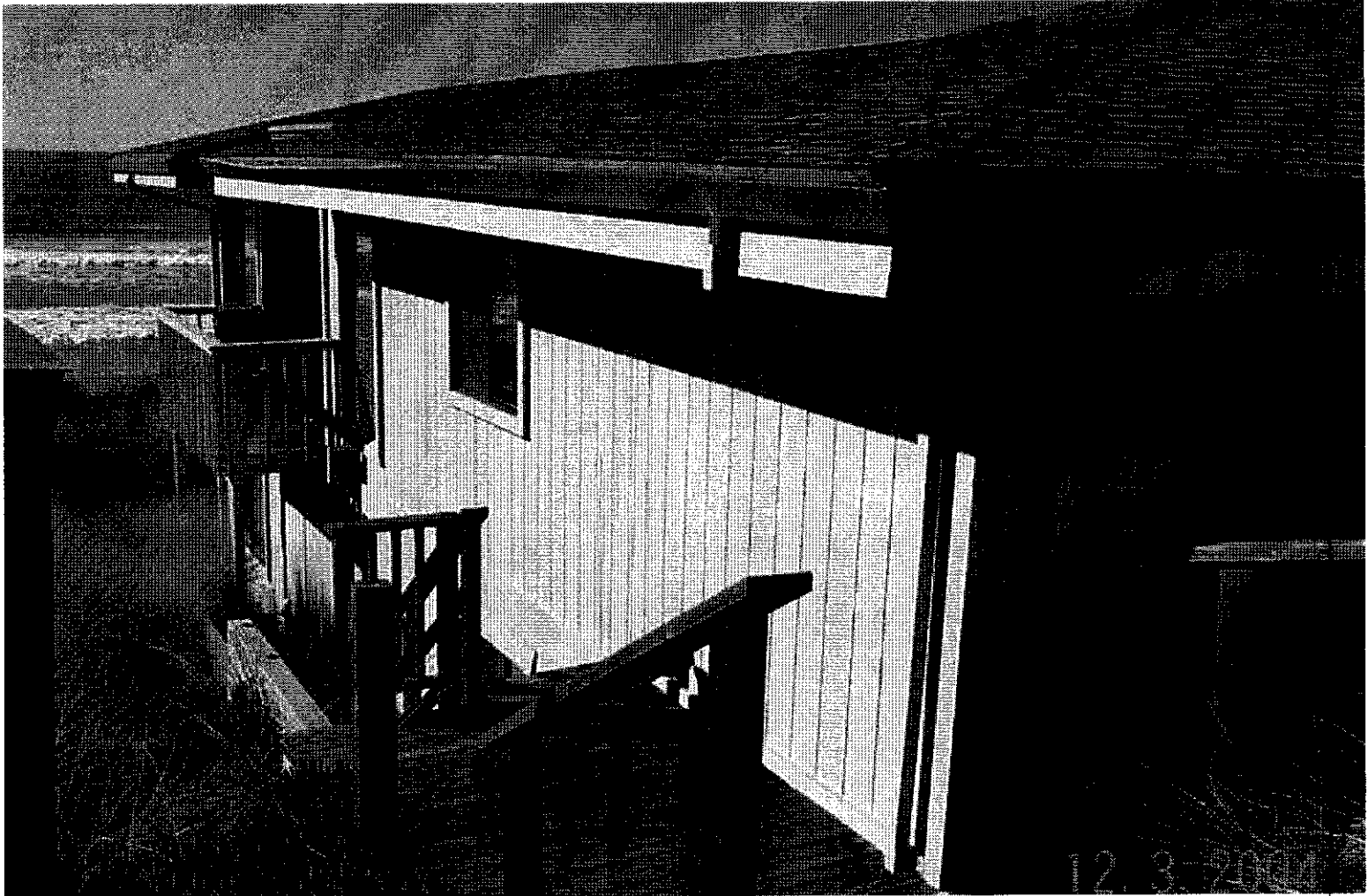
Please call or visit the Dept. of Public Works, Stormwater Management Division. from 8:00 am to 12:00 pm if you have any questions.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON DECEMBER 9, 2004 BY CARISA REGALADO =====

Maintain existing drainage patterns as shown on the plans and do not adversely affect adjacent structures and properties (such as by erosion).



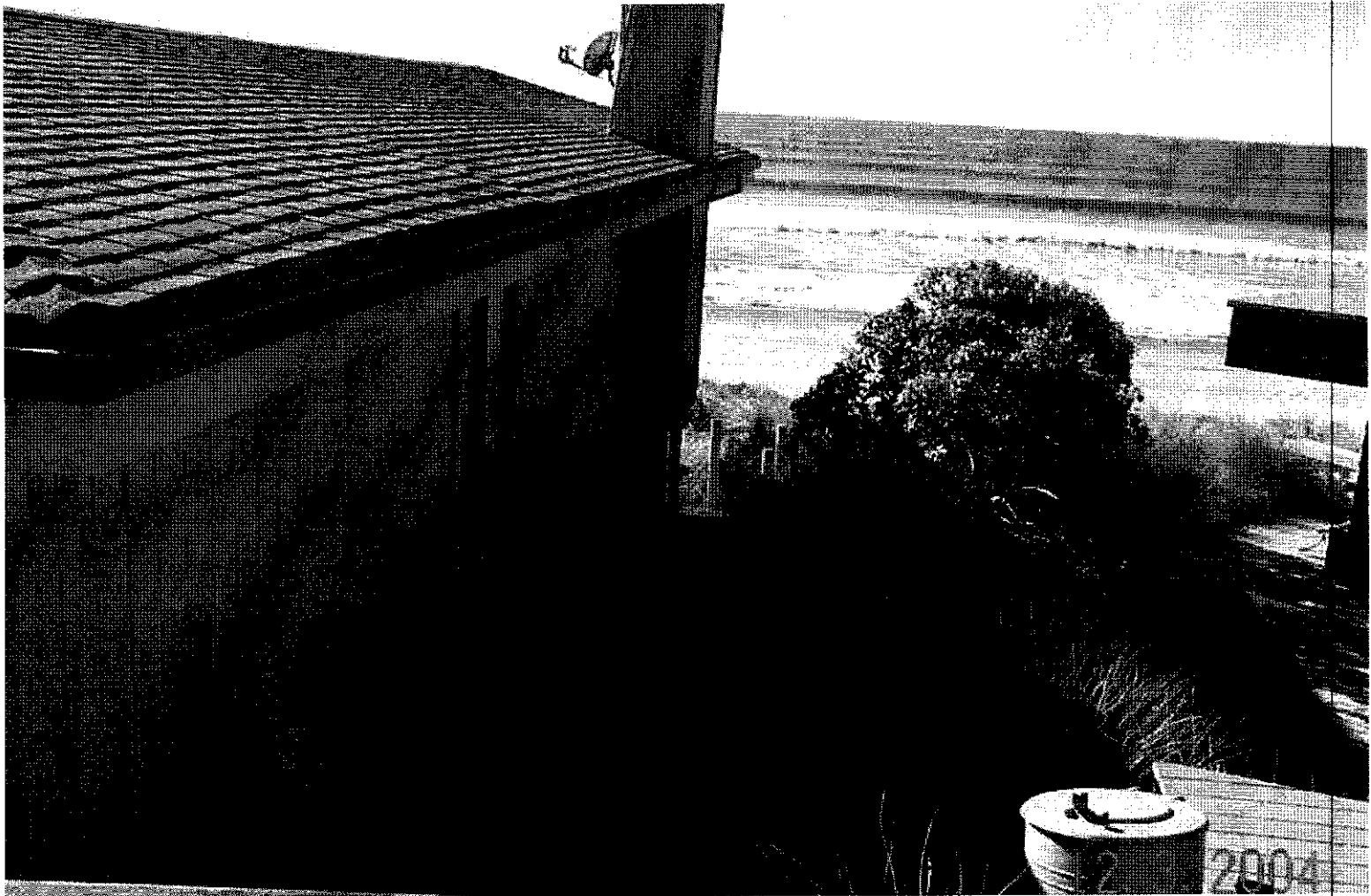


EXHIBIT H



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 -
"PAJAAO 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 m⁷ to:
Lawrence R. Tra¹
Pajaro Dunes Association
2661 Beach Road
Watsonville, CA 95076

BOOK 3143 PAGE 284

62682

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

CUM

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-LAWS 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 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 the yard abutting a street or access walk.

(3) Subject to Design Committee approval 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.

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

a. In 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

EXHIBIT 1

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 6. Amend Article VI by deleting text of Section 6.05, (a) 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-LAW by deleting Section 3.04 and substituting the following:

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

21

RECEIVED AT REQUEST OF
Pajaro Dunes
500
DEC 11 9 25 AM '76
EXHIBIT

CLERK OF SUPERIOR COURT
SAN JOSE, CALIF.
RECORDED

CERTIFICATION

I, the undersigned do hereby certify,

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

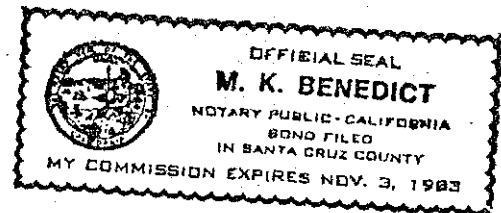
2. That the foregoing Ammendments comprising two pages excluding this page, constitute the DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS AND BY-LAWS of said corporation amended by 75% of the membership of the Association by written ballot closed November 15, 1979.

affixed the seal of said corporation this 30th day of November, 1979

ATTEST

Gael Douglass
SECRETARY

State of California, }
County of Santa Cruz } ss.



On this 30th day of November
in the year one thousand nine hundred and Seventy Nine, before me,
M. K. Benedict a 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 LS subscribed to the within
instrument, and acknowledged to me that he executed the same.

In Witness Whereof I have hereunto set my hand and affixed my official seal
in the Santa Cruz County of Santa Cruz
the day and year in this certificate first above written.

M. K. Benedict EXHIBIT
22 Notary Public, State of California

Pajaro Dunes Association Design Committee Rules

Adopted September 2, 2000

2

Section Two

3

Design Approval Guide

4

What Work Requires Design Committee Approval

5

Any artificial alteration to the physical environment at Pajaro Dunes requires Design

6

Committee approval. **This** rule applies to individual lots, condominiums, townhouses and

7

common areas.

8

9

You must obtain Design **Committee** approval if **you** want to build something new or

10

change the structure or appearance of the outside of an existing building. **You need**

11

approval for painting, repainting or staining a building or its trim. **You need** approval for

12

any changes in landscaping or topography at Pajaro Dunes, but landscape **maintenance**

13

does not require Design Committee approval. The location or relocation of utility lines,

14

cables and appurtenant **structures** must be reviewed and approved by the **Committee**.

15

(CC&R Section 3.3.1, 3.3.1, 3.3.3) **Section Three** of these **Rules** includes the processes

16

for

17

- Major projects;

18

- Minor projects;

19

- Fainting, staining or re-roofing.

20

What Approvals Are Required

21

Owners cannot start building, remodeling, painting, landscaping and/or grading until they

22

obtain the approval of the Design Committee. (CC&R Section 3.3.1, 3.3.2, 3.3.3)

23

Building or remodeling must also be approved by the Santa Cruz County Planning

24

Department and **any** other public agency that has jurisdiction.

25

26

Section Three of these Rules describes the procedures for obtaining **Design Committee**

27

approval. Plans submitted to Santa Cruz County for building permits **must** be the same as

28

the final plans approved by the Design **Committee**.

29

What Rules Must Be Obeyed

30

Government Rules

31

Owners must obtain all necessary approvals from public agencies in addition to Design

32

Committee approval. Call the **Santa Cruz County Planning** Department to determine

33

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:

Building Location

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

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**)

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

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

Building Height

The maximum height of buildings on ocean front lots shall not exceed the elevation of the house on Lot 97 as it exists on January 1, 1995. (New Provision Requires amendment of CC&R Section 3.4.4.1) The maximum height for all other lots is 35 feet above finish grade if allowed by the Santa Cruz County Planning Department. (Letter m County Planning Department Permit Files) Height will be measured to the top of the building, that is, the ridgeline of a pitched roof or the top of the parapet if the building has a flat roof.

Automobile Parking Facilities

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

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

Building Location

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

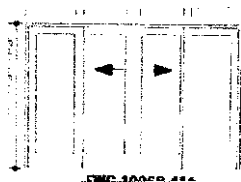
On lots 81 through 89, improvements must be at least 30 feet from Puffin Lane on the easterly property line. (Design Committee rules, 9/17/79)

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

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



VERT. ✓
 DARK COLOR.
 GLASS:
 Low REFLECTIVITY.



OWNER

BRYAN, William

916-966-1322

PARCEL NUMBER

52-301-15

LOCATION Pajaro Dunes, Aptos

DESCRIPTION Constr. 2-story 4-bdrm., 3 bath, 3 1/2 bath SFD, no garage, no deck area.

VALUATION 89,200

BUILDING		PLUMBING + GAS		ELECTRIC	
PERMIT NO.	DATE	PERMIT NO.	DATE	PERMIT NO.	DATE
56881	7/11/78	56881	7/11/78	56881	7/11/78
NAME OWNER	NAME OWNER	NAME OWNER	NAME OWNER	NAME OWNER	NAME OWNER
tpp: 56881 7/11/78		tpp: 56881 7/11/78		tpp: 56881 7/11/78	
BUILDING		PLUMBING - GAS		ELECTRIC	
FOUNDATION 8/1/78 RD		ROUGH 12-9-82		PLANNING	
UNDERFLOOR 8/1/78 RD		GAS PT 12-9-82		ENVIRONMENTAL HEALTH	
INSULATION 8/1/78 RD		FINAL 5-4-83		PUBLIC WORKS / SANITATION	
STUCCO WIRE 8/1/78 RD		CLEAR 5-5-83		PUB. WORKS / DRAINAGE	
SCRATCH 8/1/78 RD		ELECTRIC		FIRE DISTRICT	
FRAME 8/1/78 RD		ROUGH 8/1/78 RD		GRADING	
SHEETROCK 8/1/78 RD		FINAL 8-4-83		OTHER	
FINAL 5-4-83		CLEAR 5-5-83		OTHER	
REMARKS ON REVERSE					

BRYAN, William

Pajaro Dunes, Aptos

Do NOT void fence