



# Staff Report to the Zoning Administrator

Application Number: **06-0367**

Applicant: Dennis Anderson  
Owner: Gary and Janice Podesto  
APN: 046-321-06

Agenda Date: **May 4, 2007**  
Agenda Item #: **2**  
Time: After 10:00 a.m.

Project Description: Proposal to construct a second story room addition above an existing single-family dwelling, convert an existing garage to habitable space, and to construct a detached garage with reduced side yard setbacks.

Location: Property located on the southwest side of San Andreas Road approximately 190-feet southwest of the railroad trestle at Manresa State Beach at 1443 San Andreas Road in La Selva Beach.

Supervisory District: 2<sup>nd</sup> District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit and Variance

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0367, based on the attached findings and conditions.

### Exhibits

- |   |                                 |
|---|---------------------------------|
| A. Project plans                              | E. Assessor's parcel map        |
| B. Findings                                   | F. Zoningmap                    |
| C. Conditions                                 | G. Soils Report & Review Letter |
| D. Categorical Exemption (CEQA determination) | H. Comments & Correspondence    |

### Parcel Information

Parcel Size:	37,217 square feet
Existing Land Use - Parcel:	Single Family Residence
Existing Land Use - Surrounding:	Single Family Residences to the south and east, Manresa State Beach to the north and west
Project Access:	Via San Andreas Road, a public road
Planning Area:	La Selva Beach

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Land Use Designation: R-R (Rural Residential)  
Zone District: RR (Rural Residential)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Comm.  Yes  No

### Environmental Information

Geologic Hazards: Coastal bluff on the west portion of the parcel; geologic report accepted by the County Geologist.  
Soils: Geotechnical report accepted by the County Geologist  
Fire Hazard: Not a mapped constraint  
Slopes: Coastal bluff on the west portion of the site; no development proposed on the bluff.  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: Minimal grading; reviewed and accepted by County Geologist.  
Tree Removal: No trees proposed to be removed  
Scenic: Scenic comdor; scenic beach view shed  
Drainage: Proposed drainage adequate  
Archeology: Archeological Site Review conducted in 2001(01-0339); no pre-historical cultural resources evident on the subject property.

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Septic  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: None

### History

In 1993, a discretionary application (93-0574) to construct an 862 square foot one-story addition, demolish an existing nonconforming carport, and construct a detached garage, was approved on the subject property. A hazard assessment and soils report review were completed prior to this approval.

In 1994, another discretionary application (94-0452) was approved to construct a wall over 6' and a gazebo in the required front yard. A geotechnical report was completed prior to this approval.

Building permit #112795 was finalized in 1996 and issued a change order in 1997 for the construction of stairs down the bluff to the beach.

The property owner obtained a coastal development permit and variance (98-0489) in 1998 and associated building permit (#1263 13) in 2000 for the construction of a second story addition and reduced side yard setbacks. This permit approved a 2 bedroom, 3.5 bathroom residence with an attached garage and recreation room.

In 2001, the County of Santa **Cruz** completed an Archaeological Reconnaissance Survey for the subject parcel which concluded that pre-historical cultural resources were not evident at the site. The associated application to build a retaining wall was abandoned (01-0339).

Lastly, a plumbing permit was finalized on the subject parcel in 2006 under building permit #144007 and a project to construct the existing seawall at the toe of the bluff was approved in 2006 under permit numbers 06-0367 and building permit #138047.

### **Project Setting and Scope**

The subject parcel is 37,277 square feet and is developed with a two-story single family dwelling. The residence is located on the west side of the parcel, just on top of the coastal bluff. The parcel is downslope from the adjacent residence to the south and uphill from the vacant county property to the north, which is a coastal arroyo. Directly across the coastal arroyo to the north is a parking lot and Manresa State Beach. The parcel fronts on San Andreas Road, which is a 60-foot right of way. The parcel is zoned Rural Residential (R-R).

There is a required 25-foot setback from the top of the bluff which would require a 45-foot setback from the north (side) property line, which is almost halfway into the subject parcel. Therefore, because the south side of the parcel is the only side that can be developed; the property owner must obtain variances to reduce the south side setbacks to allow adequate room on the parcel for structures, open space, parking and access.

The property owner obtained a variance in 1998 (98-0489) to reduce the side yard setback from the required 20-feet to 10-feet with findings based on the required setback from the top of the bluff and the odd shape of the parcel; therefore, the existing garage and residence are located 10-feet from the south property line,

The existing 2 story structure has a three-car garage and workshop on the first floor and a bedroom suite on the second floor of the existing garage. The structure is attached to the main residence by an elevated hallway that leads to the second floor. There is no interior access between the first floor garage and the second floor bedroom suite.

This project requires an amendment to Coastal Development Permit 98-0489 and a Variance **for** reduced side yard setbacks for the proposed garage. The resulting residence will be approximately 3,721 square feet and will have 3 bedrooms, 3.5 bathrooms, an attached one bedroom habitable accessory structure of about 570 square feet, an attached non-habitable workshop of about 170 square feet, and a detached garage of about 369 square feet.

### **Garage**

The property owner is proposing to construct a detached, 1-story, 369 square foot garage about 23-feet east of the existing garage that will provide two parking spaces **for** the residence. The proposed garage requires a Variance to reduce the side yard setbacks from 20-feet to 11-feet, in order to meet the required bluff setback requirements on the property. Without a Variance approval, there is not enough room on the parcel for structures, parking, access and open space while meeting the 20-foot required side yard setbacks for a Rural Residential zone district and a

25-foot setback from the top of the bluff in that the parcel width is only about 100-feet in this location. The only adjacent property is located to the south and is upslope (about 30%) from the subject parcel; therefore a reduced setback will not impact light, air or privacy on neighboring residences. Under Section 13.10.552, the remodeled residence will provide **three** parking spaces onsite outside of the right of way. The location of the new garage requires the rear (south) wall of the structure to retain about 4-feet of landscaped **earth**, which was reviewed and approved by the County Geologist. The garage will be a maximum of 15-feet tall.

### **Habitable & Non-Habitable Accessory Structures**

The property owner is proposing to remodel the first floor of the existing garage to create: 1) a habitable accessory structure including a bedroom (labeled as exercise room), two closets, and a utility room, and 2) a non-habitable workshop. There is no proposed interior access between the habitable areas on the first and second floors of the proposed structure or between the proposed habitable area and the existing main residence; therefore, as conditions of approval, the property owner shall record Declarations of Restriction to maintain the proposed habitable and non-habitable accessory structures.

### **Second Story Addition**

The existing house has a second story tower feature that encloses a spiral staircase and elevated hallway that leads from the entry way of the house to the second floor bedroom suite over the existing garage. The proposed second story addition will be built around the existing staircase “tower” and consist of a 575 square foot living room and a deck. The highest point of the new roofline on the second story will be 28-feet, which is the maximum allowed in a Rural Residential zone district.

### **Zoning & General Plan Consistency**

The subject property is a 37,277 square foot lot, located in the RR (Rural Residential) zone district, a designation which allows residential uses. The proposed single family residence and detached garage is a principal permitted use within the zone district and the project is consistent with the site’s (R-R) Rural Residential General Plan designation. The proposed structures have been designed to comply with all RR zone district site standards and the revised site standards as approved in Coastal Development Permit 98-0489:

	<b>RR Site Standards</b>	<b>Proposed</b>
<b>Front Yard Setback</b>	<b>40’</b>	<b>40’</b>
<b>Side Yard Setbacks</b>	20’ & 20’	20’ & 11’ (Variance required - garage)
<b>Rear Yard Setback</b>	40’	40’
<b>Maximum Height</b>	28’	28’
<b>Maximum Y<sub>o</sub> Lot Coverage</b>	10%	9.99%
<b>Maximum Floor Area Ratio</b>	N/A	N/A

### Coastal **Bluff/Geologic Hazards**

The coastal bluff located on the west portion of the subject parcel has been a major source of analysis over the past 15 years with Santa Cruz County and the Coastal Commission. The applicant submitted a Geotechnical Report for the proposed project, which was reviewed and approved by the County Geologist in a letter dated October 24, 2006 (Exhibit G). All requirements listed in the review letter are incorporated as under conditions of approval (II.B.3, II.B.5, II.D, and III.C). The proposed project complies with the required 25-foot setback from the top of the bluff on the north and west sides of the parcel.

In addition, the Coastal Commission was contacted by Planning Staff on February 8, 2007 and notified that all past violations associated with the existing seawall at the toe of the bluff have been resolved and permitted and that ongoing monitoring will continue to **take** place to ensure compliance. The Coastal Commission did not have additional conditions of approval to be required as **part** of the current project.

### Local Coastal **Program** Consistency

The proposed single family residence and detached garage are in conformance with the County's certified Local Coastal Program, in that the structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. No coastal access easements cross the subject property, and a pedestrian access point already exists about 150 feet north of the project site at the Manresa State Beach entrance.

### Design Review **&** Scenic **Resources**

The proposed addition to the existing single family dwelling will not significantly alter the existing bulk, mass and scale of the residence as the addition will be built above an existing one story residence and a two story garage structure of similar bulk already exists on the site. In addition, the proposed addition will not interfere with surrounding ocean views because there is only one adjacent residence to the south that is located above the subject property and the property across the street to the east does not currently view the ocean over the existing single story residence.

The proposed addition complies with the requirements of the County Design Review Ordinance and Local Coastal Program, in that the proposed project will incorporate site and architectural design features such as natural colored stucco and stone walls to reduce the visual impact **of** the proposed development on surrounding land uses and the natural landscape.

The proposed second story addition on the existing house will be visible from the scenic beach viewshed; however the addition will be less than half of the length of the existing residence visible from the beach and will only be about 12-feet higher (at its highest point) over the existing roofline. In addition, many of the existing residences along the Manresa Beach bluff top are two story homes that are visible from the beach.

This project was reviewed by the Urban Designer and found to be in compliance with **the** requirements for a Sensitive Site/Scenic Beach Viewshed as listed in Chapter 13.11.

### Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- Certification that the proposal is **exempt** from further Environmental Review under **the** California Environmental Quality Act.
- **APPROVAL** of Application Number **06-0367**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on **file** and available for viewing at the Santa **Cruz** County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)

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## Variance Findings

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

This finding can be made, in that the developable area on the subject property is greatly limited due to a 25-foot geologic setback from the top of the bluff and the width of the parcel. In the proposed location of the garage, the parcel is approximately 100-feet wide and the top of the bluff is located about 25-feet south of the north (side) property line. **An** additional 25-foot geologic setback measures to almost half-way between **the** side property lines. In order to accommodate a driveway, septic system, open space areas, and structures, a reduction to the required 20-foot south side yard setback is required; therefore, without the granting of a variance, the subject parcel would be deprived of development privileges enjoyed by other property in the vicinity and under identical zoning classification in that other properties are generally not constrained by coastal bluff setback requirements that eliminate development potential **on** almost half of the parcel.

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

This finding can **be** made, in that the parcel is zoned Rural Residential which allows for residential development and the proposed additions and structures will not be detrimental to public health, safety or welfare because they will be built in compliance with geologic hazard setback requirements and the parcel is located downslope from the only adjacent property to the south.

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

This finding can be made, in that the subject parcel is the only parcel in the Rural Residential Zone District in this area that **is** adjacent to a coastal arroyo and constrained by coastal bluffs and coastal bluff setback requirements on both the north and west sides of the property; therefore, a variance to the side yard setback will not grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zone district.

## 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 RR (Rural Residential), a designation which allows residential uses. The proposed single family residence and detached garage are principal permitted uses within the zone district, consistent with the site's (R-R) Rural Residential General Plan designation.

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

This finding can be made, in that the proposal does not conflict with any existing easements such as public access or utility easements in that no such easements are known to encumber the project site and the proposal is in compliance with the top of bluff setback requirements on this parcel.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed at a rural density; the colors shall be natural in appearance and complementary to the site; and the development will be a minimal addition at the top of the bluff.

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 the single family residence and detached garage will not interfere with public access to the beach, ocean, or any nearby body of water as no such access easements are known to encumber the 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 RR (Rural Residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

## 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 complies with **the** required setback from the top of the bluff. In addition, a geotechnical report was reviewed and approved by the County Geologist and all requirements are included as conditions of approval. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single family residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RR (Rural Residential) zone district in that the primary use **of** the property will be one single family residence that meets all current site standards for the zone district and the revised site standards as approved under the approved variance (98-0489).

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 Rural Residential (R-R) land use designation in the County General Plan.

The proposed single family residence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the single family residence will not adversely shade adjacent properties, and the only adjacent residence located to the south is upslope from the subject property and will therefore not be impacted by reduced light, air, solar opportunities and open space due to reduced south side yard setbacks.

The proposed single family residence will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single family residence will comply with the site standards for the RR zone district (including lot coverage, 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.

Application # 06-0367

APN: 046-321-06

Owner: Gary and Janice Podesto

The proposed single family residence is in compliance with General Plan Policies 5.10.2 and 5.10.7 in that it will not interfere with ocean views because the adjacent residence to the south is located above the subject property and the residence located across San Andreas Road to the east does not currently have ocean views over the existing one story residence, and the new stucco material on the exterior of the addition will be a natural color that will blend in with the beach/coastal bluff setting and character of the area.

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

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

This finding can be made in that the addition of two bedrooms will not result in a significant increase in utility usage and is not expected to generate more than the acceptable level of traffic on San Andreas Road because there is no increase in peak trips associated with a 2 bedroom addition.

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 addition will result in a single-family dwelling that retains similar bulk, mass, and scale as the surrounding homes. The single family dwelling will remain consistent with the land use intensity and density of the neighborhood and will not negatively impact the scenic beach viewshed.

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

This finding can be made, in that the proposed single family residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. This project was reviewed by the Urban Designer and found to be in compliance with the requirements for a Sensitive Site as listed in Chapter 13.11.

## Conditions of Approval

Exhibit A: Project plans, 10 pages, prepared by Dennis Anderson dated **2/12/07**, Andrew Radovan dated **9/26/06**, and Michael Bridgette dated **7/5/05**.

- I. This permit authorizes the construction of a three bedroom, three and half bathroom single family residence with a detached garage and a one bedroom habitable accessory structure. 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.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
  - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. 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. Grading, drainage, erosion control, and landscaping plans to be approved by the County Geologist and the Department of Public **Works** Drainage Division. Drainage plans must show all runoff from parking and driveway areas treated by a silt and grease trap or other water quality device prior to discharge offsite.
    3. Reference to the approved Geotechnical Report dated October **13,2006** and a statement that the project shall conform to the reports recommendations.
    4. Submit revised engineering plans that reflect the correct size and location of the detached garage as shown on sheet **A1** of Exhibit **A**.

5. The 25-foot setback from the bluff must be shown on the building plans.
  6. **For** any structure proposed to be within 2 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.
  7. Details showing compliance with fire department requirements, including all requirements **of** the Urban Wildland Intermix Code, if applicable.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. **The** Conditions of Approval shall be recorded prior to submittal, if applicable.
  - D. Submit Plan Review letters to Environmental Planning written by the author of the approved Geotechnical Report dated October 13, 2006. The letter shall state that the project plans conform to **the** reports recommendations.
  - E. Submit proof that the Declaration of Geologic Hazards form has been recorded with county.
  - F. Meet all requirements **of** the County Department of Public Works, Drainage.
  - G. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
  - H. Meet all requirements and pay any applicable plan check fee **of** the Aptos/La Selva Fire Protection District.
  - I. Pay the current fees for Parks and Child Care mitigation for 2 bedrooms; the new habitable accessory structure and the extra room not approved under permit #1263 **13**. Currently, these fees are, respectively, \$1000 and \$109 per bedroom.
  - J. Provide required off-street parking for **three** 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.
  - K. 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.

- L. Complete and record a Declaration of Restriction to construct a habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
  - M. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. **The** project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify **the** Sheriff-Coroner if **the** discovery contains human remains, or the Planning Director if the discovery contains no human remains. **The** procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to **the** County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless **the** COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul **this** development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended,

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

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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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 **on** the expiration date listed below unless **you** obtain the required permits and commence construction.

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Samantha Haschert  
Project Planner

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**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: 06-0367  
Assessor Parcel Number: 046-32 1-06  
Project Location: 1443 San Andreas Road

**Project Description: Proposal to construct a second story room addition to an existing single family residence, convert an existing garage to habitable space, and to construct a detached garage.**

**Person or Agency Proposing Project: Dennis Anderson**

**Contact Phone Number: (831) 457-8348**

- 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.  **Cateorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

**F. Reasons why the project is exempt:**

Proposal to construct an addition, convert garage space to habitable space and construct a detached garage at an existing single family residence in an area designated for residential uses.

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

\_\_\_\_\_  
Samantha Haschert, Project Planner

Date: \_\_\_\_\_