



Staff Report to the Zoning Administrator

Application Number: **08-0078**

Applicant: Peter Guiley
Owner: Janet Perry
APN: 038-165-09

Agenda Date: May 16, 2008
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing attached garage with a second-story deck area and to construct a new attached garage with a 460 square foot second-story living room addition to an existing 1,496 square foot 2 bedroom, 2.5 bathroom two-story single-family residence, resulting in a 1,956 square foot 2 bedroom, 2.5 bathroom two-story single-family residence. Requires a Coastal Development Permit.

Location: 705 Seacliff Drive, Aptos

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit

Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0078, based on the attached findings and conditions.

Exhibits

- | | |
|---|--------------------------|
| A. Project plans | E. Location Map |
| B. Findings | F. Assessor's parcel map |
| C. Conditions | G. Zoning map |
| D. Categorical Exemption (CEQA Determination) | |

Parcel Information

Parcel Size:	4,903 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	driveway from Seacliff Drive
Planning Area:	Aptos

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

Land Use Designation: R-UM (Urban Medium Residential)
Zone District: R-1-4 (single-family residential, 4,000 square foot minimum site area)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Rear property line within 20 feet of top of coastal bluff
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Portion of parcel mapped as Monarch Butterfly habitat in CNDD; no resources on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed; large redwood on site to be protected during demolition and construction activities.
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: X Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos- La Selva Fire District
Drainage District: Zone 6

History

The existing residence on the project site was built in 1963 under Building Permit # 7635. In 1997, Building Permit # 0024435M was approved for a kitchen and internal stairway remodel, and in 1998, discretionary permit 98-0600 was approved for the removal of two significant trees in the property right-of-way.

Project Setting

The subject property is in a developed single-family residential area of Seacliff Drive in Aptos, set back from the top of the coastal bluff to the south. Homes in the vicinity are in a variety of sizes and architectural styles, and mostly 2-story. The existing structure is approximately 30 feet back from the top of the coastal bluff at its closest point; however, the proposed demolition and addition would take place on the opposite (north) side of the existing structure, approximately 80 feet from the top of the bluff and not visible from public coastal areas. The subject parcel is relatively flat, and there is a 48-inch redwood tree within approximately 10 feet of the proposed project area.

Zoning & General Plan Consistency

The subject property is a 4,903 square foot lot, located in the R-1-4 (single-family residential, 4,000 square foot minimum site area) zone district, a designation that allows residential uses. The proposed single-family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

The proposed project will extend the rear (north) footprint of the existing residence by 4 feet (an area of 96 square feet), and the height of the existing residence will not change. Lot coverage, at approximately 1,820 square feet, and floor area ratio (FAR), at 2,441 square feet, will be below to allowable maximums.

There is a hot tub placed on or slightly over the southwest property line within 20 feet of the top of the coastal bluff. As a condition of approval for the proposed addition, the applicant will be required to remove the hot tub, or else to get a permit that would bring the hot tub into compliance with all applicable regulations, to include relocation further back from the bluff top and fencing or a lockable safety cover.

Local Coastal Program Consistency

The proposed addition to an existing single-family residence is in conformance with the County's certified Local Coastal Program, in that the addition 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. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed addition to an existing single-family residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as natural colors and materials that are compatible with the style of the existing residence and neighborhood, in order to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. The proposed addition will not be visible from public beach areas below the adjacent coastal bluff.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15301(e): Class 1, Existing Facilities.

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 **08-0078**, 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

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Santa Cruz CA 95060
Phone Number: (831) 454-3259
E-mail: alice.daly@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 R-1-4 (single-family residential, 4,000 square foot minimum site area), a designation that allows residential uses. The proposed addition to a single-family residence is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium 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 easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the development is compatible with the surrounding neighborhood in terms of architectural style, mass and scale, the site is surrounded by other lots developed to an urban density, and the colors shall be natural in appearance and complementary to the site. The proposed development will not be visible from any public beach areas.

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 project site is not located between the shoreline and the first public road. Consequently, the single-family residential addition will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structural addition 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 R-1-4 (single-family residential, 4,000 square foot minimum site area) 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 in the area, and the design submitted is consistent 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 California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to a single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the existing structure and proposed addition meet all current setbacks that ensure access to light, air, and open space in the neighborhood. A hot tub that is within 20 feet of the coastal bluff top on the project site will be required to be removed, or to be brought into compliance with all applicable safety regulations, such as having a lockable cover, prior to issuance of a building permit for the proposed addition.

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 residential addition and the conditions under which it would be operated and maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (single-family residential, 4,000 square foot minimum site area) 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. Project conditions requiring removal of, or a permit for, a hot tub on site will ensure that the entire project site will be consistent with all pertinent County ordinances and requirements.

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

The proposed addition to a single-family residence 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 residential addition 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 addition to a 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 addition to a single-family residence will comply with the site standards for the R-1-4 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.

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

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

This finding can be made, in that the proposed addition to a single-family residence is to be constructed on an existing developed lot. No new bedrooms will be added to the property, and it is not anticipated that there would be any intensification of existing uses on the project site. Thus, the proposed use will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structural addition is located in a mixed neighborhood containing a variety of architectural styles, and the proposed addition to a single-family residence is consistent with the land use intensity and density of the neighborhood. Colors and materials will be compatible with the existing residence and with the surrounding 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 addition to an existing single-family residence will be of a scale and 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, 2 sheets, prepared by Peter Guiley, dated February 20, 2008.

- I. This permit authorizes the demolition of an existing attached garage with a second-story deck area and the construction of a new attached garage with a 460 square foot second-story living room addition for an existing 1,496 square foot 2 bedroom, 2.5 bathroom two-story single-family residence, resulting in a 1,956 square foot 2 bedroom, 2.5 bathroom two-story single-family residence. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
- 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 issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Drainage and erosion control plans.
 3. Plans shall show measures for the protection of the 48-inch redwood on the project site.
 4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure

that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure. Maximum height is 28-feet.

5. Details showing compliance with fire department requirements.
- 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. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
 - F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - G. Remove the rear yard hot tub that is within the coastal bluff top setback area, or obtain a permit for the hot tub, and bring the hot tub into conformance with all permit requirements.
- 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. The 48-inch redwood tree on the project site shall be protected from damage during all demolition and construction activities.
 - 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.

Minor variations to this permit that 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.

Application #: 08-0078
APN: 038-165-09
Owner: Janet Perry

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

Alice Daly
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: 08-0078

Assessor Parcel Number: 038-165-09

Project Location: 705 Seacliff Drive

Project Description: proposal to demolish an existing attached garage and to construct a new attached garage with a 460 square foot second-story residential addition to an existing 2 bedroom, 2.5 bath single-family residence

Person or Agency Proposing Project: Peter Guiley

Contact Phone Number: 831-688-5362

- 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: Section 15301(e): Class 1, Existing Facilities

F. Reasons why the project is exempt:

Addition to an existing structure of less than 50% of the existing floor area and less than 2,500 square feet, with no expansion of existing use

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

Alice Daly, Project Planner

Date: _____

Return recorded form to:

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

Attention: Alice Daly
Application #: 08-0078

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Alice Daly
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 08-0078

Property Owner: Janet Perry

Assessor's Parcel No.: 038-165-09

Exhibit A: Project plans, 2 sheets, prepared by Peter Guiley, dated February 20, 2008.

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 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
- 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 issued for the proposed development. The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Drainage and erosion control plans.
 3. Plans shall show measures for the protection of the 48-inch redwood on the project site.
 4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure. Maximum height is 28-feet.
 5. Details showing compliance with fire department requirements.
- 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. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
- F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- G. Remove the rear yard hot tub that is within the coastal bluff top setback area, or obtain a permit for the hot tub, and bring the hot tub into conformance with all permit requirements.
- 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. The 48-inch redwood tree on the project site shall be protected from damage during all demolition and construction activities.

- 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.

VI. 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.

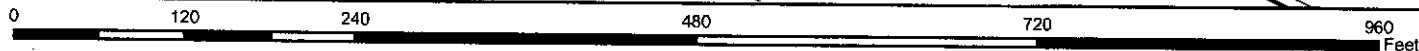
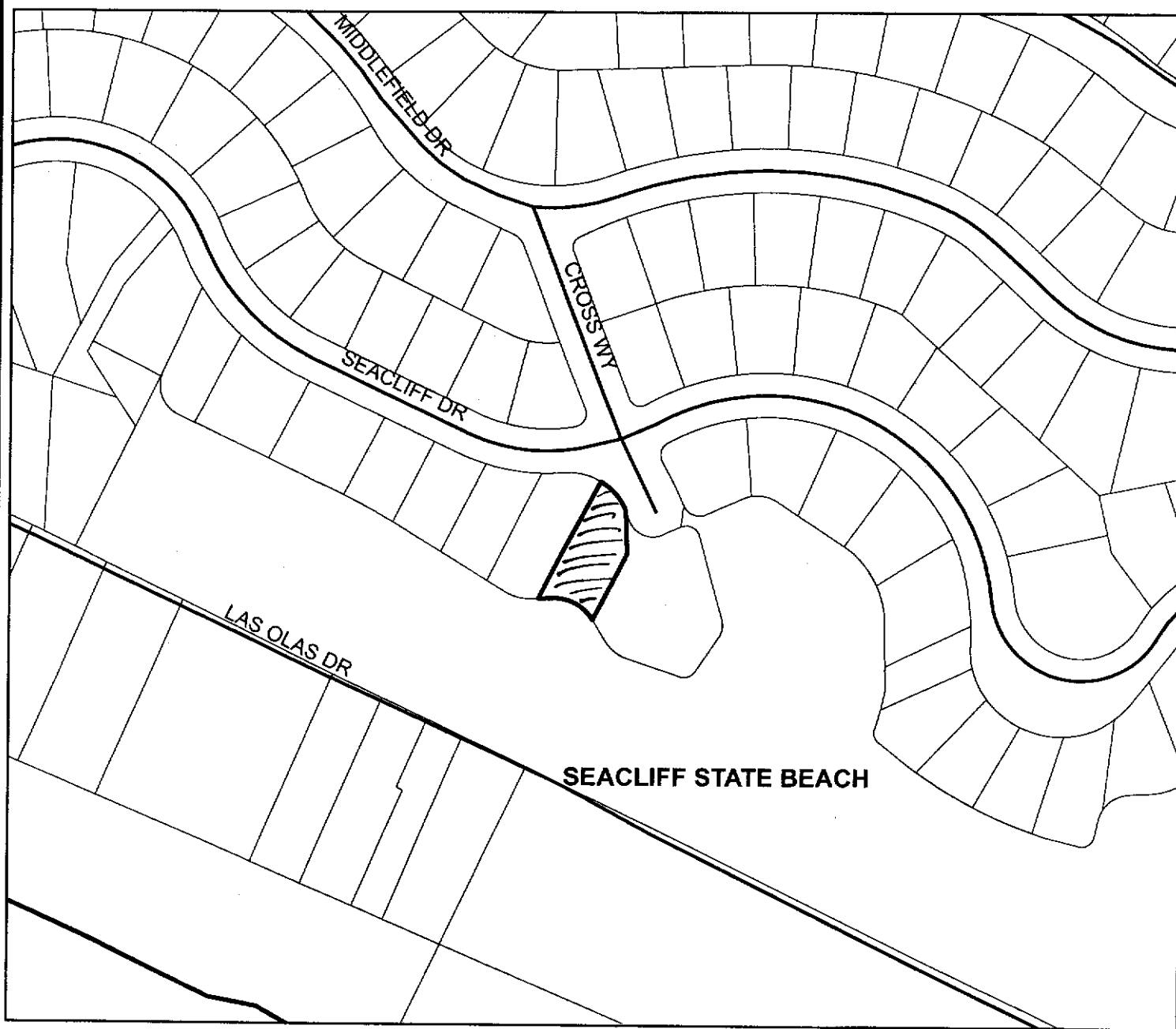
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- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action 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.

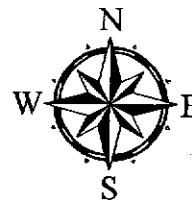


Location Map



LEGEND

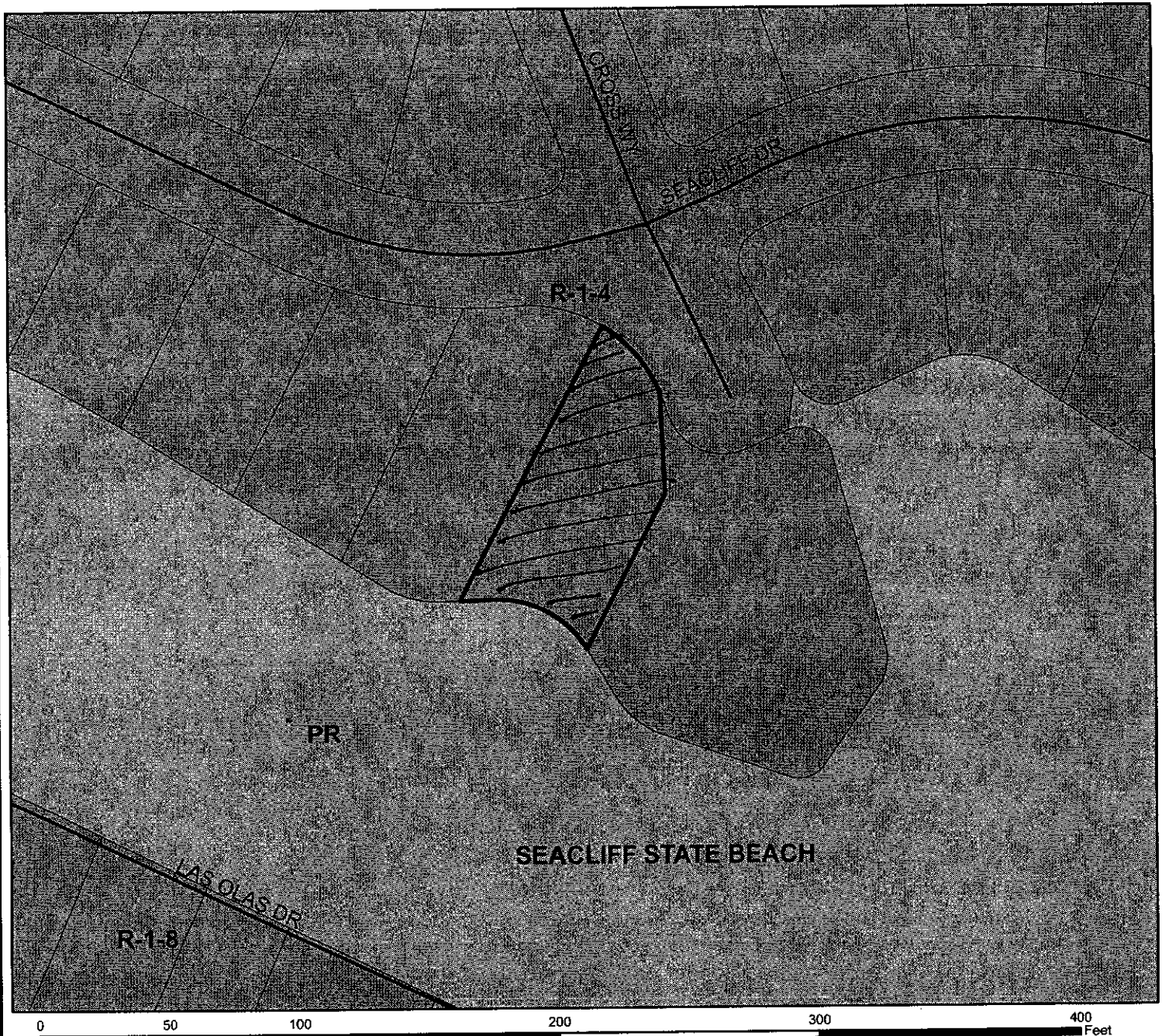
-  APN: 038-165-09
-  Assessors Parcels
-  Streets
-  County Boundary
-  STATE PARKS



Map Created by
County of Santa Cruz
Planning Department
February 2008

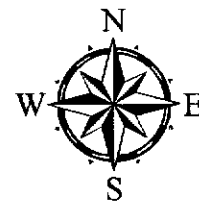


Zoning Map



LEGEND

-  APN: 038-165-09
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  PARK
-  STATE PARKS



Map Created by
County of Santa Cruz
Planning Department

EXHIBIT G