



Staff Report to the Zoning Administrator

Application Number: **08-0247**

Applicant: Jack and Patricia Kennon
Owner: Jack and Patricia Kennon
APN: 028-161-05

Agenda Date: 5/01/09
Agenda Item #: 6
Time: After 10:00 a.m.

Project Description: Proposal construct a two story, 5 bedroom, approximately 2,792 square foot single family dwelling with an attached 480 square foot garage, 261 square feet of second story decking, and a 195 square foot first floor trellis. The project requires a Coastal Development Permit.

Location: The property is located on the east side of 16th Avenue, approximately 250 feet south from East Cliff Drive.

Supervisory District: 1st District (District Supervisor: John Leopold)

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 08-0247, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	6,599 square feet
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Residential
Project Access:	16 th Avenue, approximately 50 foot right-of-way
Planning Area:	Live Oak

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

Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single family residential - 6,000 square feet per unit)
Coastal Zone: x Inside Outside
Appealable to Calif. Coastal Comm. x Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Site is flat.
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Site drainage has been approved by Public Works and is subject to building permit requirements, included in conditions of approval.
Archeology: Not mapped/no physical evidence on site

Services Information

Urban Services Line: x Inside Outside
Water Supply: Santa Cruz Water Department
Sewage Disposal: County Sanitation
Fire District: Central Fire Protection District
Drainage District: Zone 5

Project Setting

The subject property is located on the east side of 16th Avenue approximately 250 feet south from East Cliff Drive. The property is a rectangular shaped property approximately 60' by 109' in dimension. The parcel is approximately 6,599 square feet in size and is undeveloped with exception of a few shrubs located to the rear of the north rear side yard of the property. Existing shrubs are proposed to remain.

The subject property is surrounded by a two-story dwelling and cluster of mature cypress trees to the south, a one story dwelling to the north, and mixed one and two story motel to the east. Across the street are one and two story dwellings, though directly across the street are 2 two-story dwellings.

The applicant is proposing to construct an approximately 2,792 square foot, 5 bedroom, two story single family dwelling with an attached 480 square foot garage, 261 square feet of second story decking, and a 195 square foot first story trellis.

Zoning & General Plan Consistency

The subject property is located in the R-1-6 (Single family residential - 6,000 square feet per unit) zone district, a designation that allows Residential uses. The proposed Single Family Dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Density Residential General Plan designation. The site complies with all required setbacks for the R-1-6 zone district as noted in the following table.

	Front	Side	Rear
Required	20'	5' and 8'	15'
Proposed	20'	5' (North) and 8' (South)	15'

Lot Coverage

Pursuant to County Code Section 13.10.323, the R-1-6 zone district allows 30% lot coverage based on a net site area calculation. The subject property is approximately 6,599 square feet in size. Lot coverage figures are provided here for clarity.

<u>Lot Coverage</u>	
Building Footprint	1,948
Uncovered Trellis > 18 inches in height	195
Patio > 18 inches in height	475
Total	2,618
First Floor Square Footage / Lot Size	
2,618 Square Footage / 6,599 square feet = 40 percent lot coverage	

The building footprint is approximately 2,618 in size including the 1,948 square foot building footprint and the proposed trellis and patio areas, which are both greater than 18 inches in height and count toward lot coverage even though they do not count as floor area. This equals approximately 40 % lot coverage and exceeds the maximum 30 % coverage allowed by code. Removal of the trellis and patio areas will result in a structure in compliance with the allowed lot coverage. The project has been conditioned to remove these areas. The condition includes a statement that if the outdoor patio can be reduced in height below 18 inches in height, this area can be retained.

Bedroom Count

The proposed floor plan shows three bedrooms, a den, and an office. The den and office meet the

definition of bedroom in the County Code (13.10.700), and therefore the project is being treated as a 5 bedroom home.

The Parks and Childcare Capital Improvement Fees are assessed based on the bedroom count. Please note that if the final floor plans switch the living room and den to family room and living room, respectively, this will be a 4-bedroom dwelling. The project is conditioned to require fees for a 5 bedroom dwelling at this time, but will allow a revision to fees if the room names are changed prior to issuance of a building permit.

Parking

County Code Section 13.10.552 requires 3 parking spaces for a three or four bedroom dwelling and requires one additional parking space per bedroom beyond four. A five-bedroom dwelling requires 4 parking spaces. Two are provided within the garage and two spaces are provided in front of the garage.

FAR (Floor Area Ratio)

The proposed dwelling includes an approximately 1,468 square foot first floor, 480 square foot attached garage, a 1,177 square foot second floor, a 195 square foot trellis, and approximately 261 square feet of second story decking. Total floor area equals approximately 3,227 square feet including the entry floor area, which is counted twice. The floor area breakdown is provided below.

Floor Area Ratio	
1 st Floor	1,468
Attached Garage	480
1 st Floor Entry> 16' height counted twice	51 (102 total)
Subtotal	2,050
2 nd Floor	1,177
Subtotal	1,177
Gross Floor Area	3,227
Garage Credit	-225
<u>Total Floor Area Ratio</u> 3,002 Square Feet divided by 6599 = 46%	

Local Coastal Program Consistency

The proposed Single Family Dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The structure provides the required eight-foot setback on the south property line to provide as much room for the root system for the cluster of cypress trees located on the adjacent property to the south. Also, developed parcels in the area contain a mix of one and two story single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is 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. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water. More project design detail is provided under design review, below.

Design Review

The Urban Designer has completed design review with respect to 13.20.130, which requires application of coastal zone design criteria to any development requiring a Coastal Zone Development Permit. Section 13. 20.130 requires projects to be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas." This analysis is attached as Exhibit F.

The neighborhood is comprised of a mix of older one-story homes and newer two story dwellings designed with wood and stucco and can best described as a neighborhood in transition. The subject property is immediately adjacent to a wood two story dwelling to the south and a one-story stucco dwelling to the north. The two homes directly across the street are both newer two-story dwellings with a mix of materials. One-story homes flank either side of these two story homes. The building to the south of the structure is a one and two story motel, though the structure immediately adjacent to the subject property is a one-story building.

The proposed dwelling provides the front portion of the dwelling meeting the 20-foot setback consistent with other homes on the street. The building proposes a portion of the structure as one story with a second story recessed from the front and sides to provide more relief from the wall line of the first story. The roof is hipped on each end. This design creates a roofline along the street consistent with the single story garage to the north, but also blends the proposed second story with the adjacent buildings on both sides of the property. Furthermore, the dwelling provides most of the open space toward the front south portion of the site to ensure that the existing cypress tree cluster located to the south retains a prominent presence on the street and also provides an adequate setback for the root system.

Proposed building materials and colors include a mix of stucco on the first floor and board and batt style for the second story walls. The materials proposed for the residence are consistent with the mix of wood and stucco homes in the neighborhood.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the

California Environmental Quality Act (CEQA). The project is categorically exempt under Class 15303, which allows new Construction small Structures including single family dwellings.

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 **08-0247**, 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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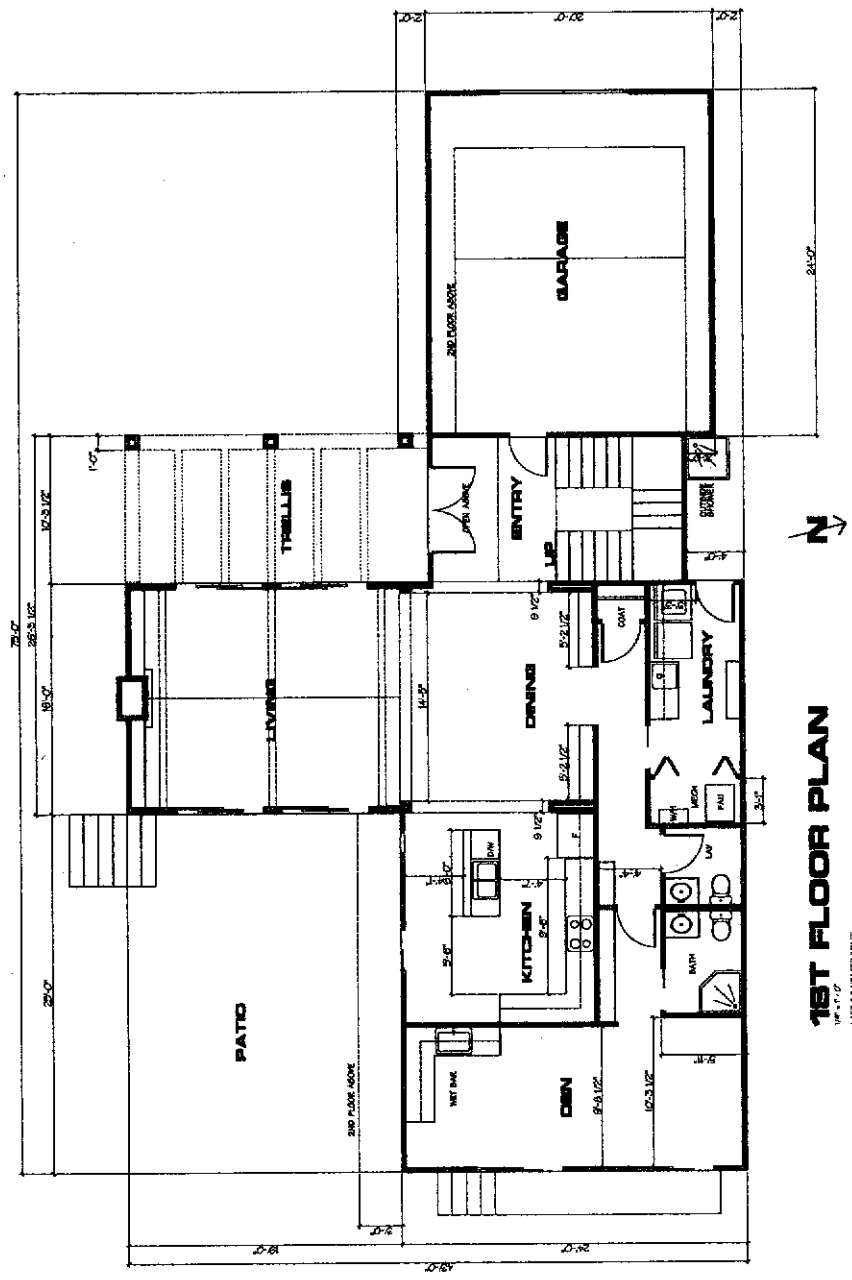
06-10-08

KENNON RESIDENCE
222 16TH AVE
SANTA CRUZ CA
APN 028-18708

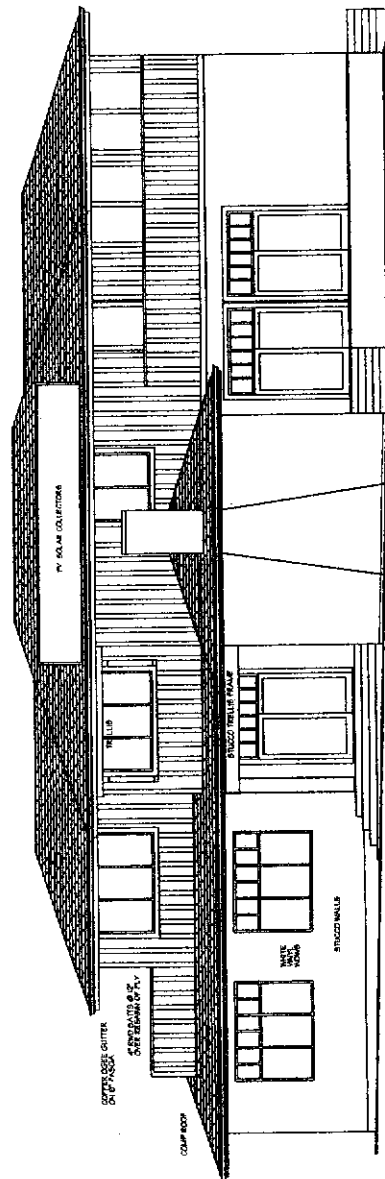
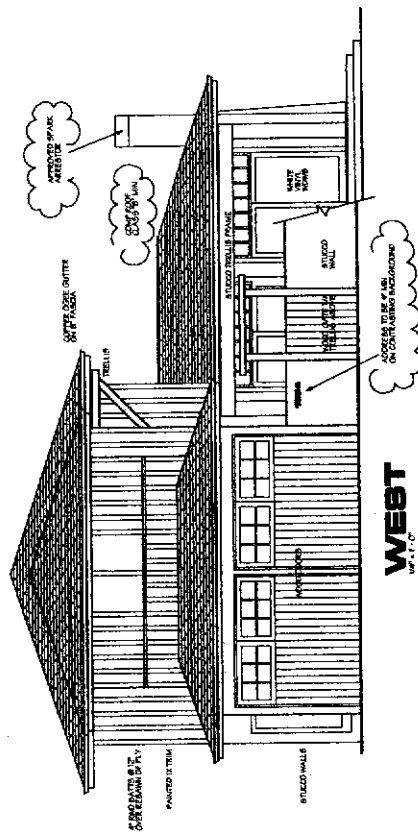
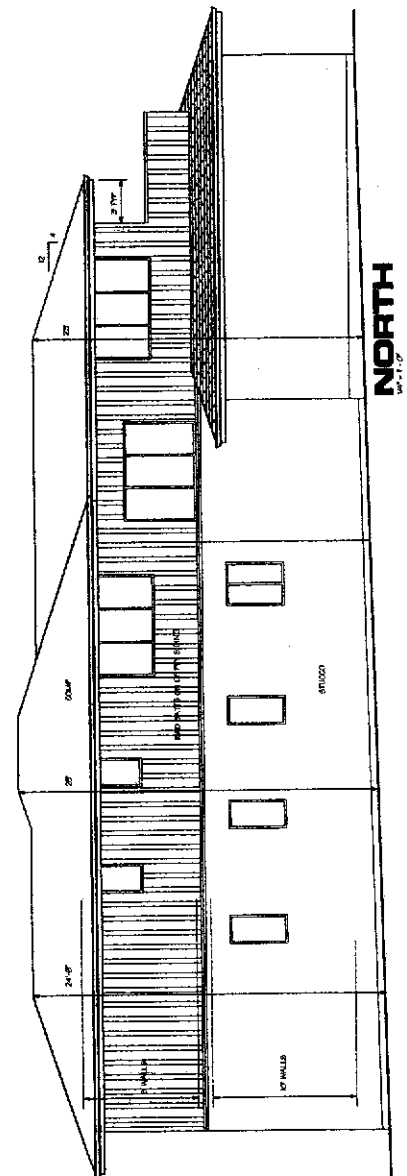
FLOOR PLAN

LEIF ROBERT ARCHITECT
260 MOORE STREET
SANTA CRUZ CA 95060
831-454-0791

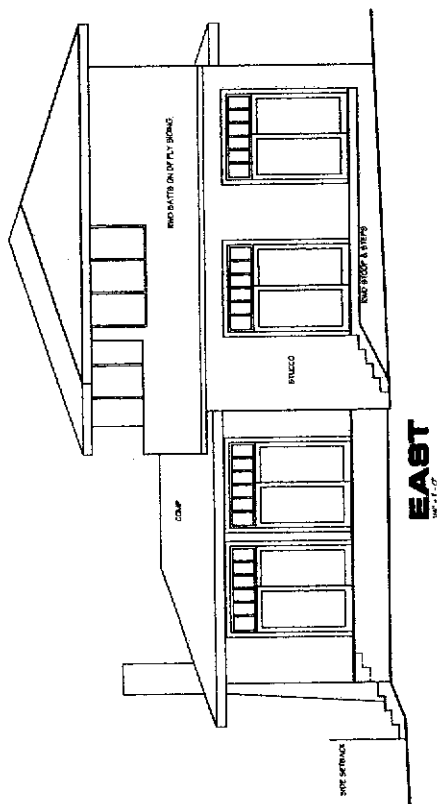
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1ST FLOOR PLAN
1/8" = 1'-0"
LAMB: 11/10/08
SANTA CRUZ, CA
06-10-08

**HILOS**

NORTH



EAST

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-1-6 (Single family residential – 6000 square feet per unit) and R-UL (Residential Urban Low) designations, which allow residential uses. The proposed dwelling is a principal permitted use within the zone district, consistent with the site's R-UL and Existing Parks and Recreation General Plan Land Use designation.

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

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

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

This finding can be made, in that the development is consistent with this chapter as detailed in the design review, completed by the Urban Designer, and is hereby incorporated into the findings by reference (Exhibit E) and discussed in more detail below.

In particular, County Code Section 13.20.130 requires application of coastal zone design criteria to any development requiring a Coastal Zone Development Permit. Section 13. 20.130 require projects to be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas."

The proposed dwelling provides the front portion of the dwelling meeting the 20-foot setback consistent with other homes on the street. The building proposes a portion of the structure as one story with a second story recessed from the front and sides to provide more relief from the wall line of the first story. The roof is hipped on each end. This design creates a roofline along the street consistent with the single story garage to the north, but also blends the proposed second story with the adjacent buildings on both sides of the property. Furthermore, the dwelling provides most of the open space toward the front south portion of the site to ensure that the existing cypress tree cluster located to the south retains a prominent presence on the street and also provides an adequate setback for the root system.

Proposed building materials and colors include a mix of stucco on the first floor and board and batt style for the second story walls. The materials proposed for the residence are consistent with the mix of wood and stucco homes in the neighborhood.

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 there is no public access available to the beach from the subject property. Thus, the proposed dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible with the character of the surrounding neighborhood as noted under Finding 3 and is incorporated into this finding by reference. Additionally, residential uses are allowed uses in the R-1-6 and Existing Parks and Recreation zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings of varying sizes. 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 California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed 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 as conditioned the proposed location of the residence will be consistent with all pertinent County ordinances and the purpose of the R-1-6 Zone district in that the primary use of the property will be one residential dwelling that will meets all current site standards for the zone district. This includes lot coverage, height, floor area ratio and setbacks, parking, etc. The project is conditioned to meet lot coverage by removal of the portion of the patio and outdoor trellis that exceed the 30 percent standard prior to issuance of a building permit.

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 uses are allowed in the R-1-6 (Single family residential - 6,000 square feet per unit) zone district consistent with the Residential General Plan designation of the property, residential additions are also required to comply with the Chapter 8.1 Community Development policies of the General Plan, which include compliance with the Design Review Ordinance.

The proposed project is not subject to design review in accordance with County Code Section 13.11.040, which only requires review for new dwellings within a sensitive site. A sensitive site is defined to include location on a coastal bluff. However, the Urban Designer completed design review with respect to 13.20.130, which requires application of coastal zone design criteria to any development requiring a Coastal Zone Development Permit. Section 13.20.130 require projects to be "sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas." The Design Review (Exhibit E), completed by the Urban Designer, is hereby incorporated into the findings by reference and discussed in more detail below.

The proposed residential addition 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 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 residential addition 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 residential addition will comply with the site standards for the R-1-6 and Existing Parks and Recreation zone district 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 residential addition is to be constructed on an existing lot developed with a single story dwelling. The expected level of traffic generated by the proposed project is not anticipated to generate additional peak trip per day (1 peak trip per dwelling unit) because the dwelling already exists and 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 structure is sited and designed to be visually compatible with the character of the surrounding neighborhood by incorporation of an addition consistent with existing architectural style of the structure including additional articulation to the wall planes and roof line of the building along the north wall and roof line and west wall and roof line. Additionally, residential uses are allowed uses in the R-1-6 and Existing Parks and Recreation zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings of varying sizes. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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.

The proposed project is not subject to design review in accordance with County Code Section 13.11.040, which only requires review for new dwellings within a sensitive site. A sensitive site

Application #: 08-0247

APN: 028-161-05

Owner: Jack and Patricia Kennon

is defined to include location on a coastal bluff. The proposed project is not located on a coastal bluff.

Conditions of Approval

Exhibit A: Project plans, prepared by Leif Rideout, dated January 22, 2009

- I. This permit authorizes the construction of a two story, 5 bedroom, approximately 2,792 square foot single family dwelling with an attached 480 square foot garage, and 261 square feet of second story decking. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- 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. 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. Plans shall include colors and materials 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. Engineered grading, drainage, and erosion control plans. Grading to include any necessary excavation and recompaction prescribed in the soils report prepared for the site. The erosion control plan shall include the location and construction details for all proposed measures. The erosion

control plan shall include protection at the site entrance to prevent sediment from leaving the site.

3. The building plans must include 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. Maximum height is 28 feet.
 4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 5. Building Plans shall comply with the maximum 30 percent lot coverage permitted by County Code Section 13.10.323 by removal of the 195 square foot outdoor trellis and outdoor patio areas that exceed 18 inches in height. The outdoor patio may be retained provided that the maximum height does not exceed 18 inches.
 6. Building plans shall indicate only one kitchen as defined under the definition of "Kitchen" under County Code Section 13.10.700 (K). In addition, the sink drain shown in the den wet bar shall be no larger than 1/1/2 inches in diameter.
 7. The driveway shall conform to the County Design Criteria Standards of the Public Works Department. No concrete shall be allowed in the County right-of-way. Plans shall not include "No Parking" or other restrictive signs within the County right-of-way, except for the area in front of the driveway. Permit parking space, along the frontage of the parcel, shall be provided. This condition shall be required to be placed on the building plans as a note.
 8. Building plans shall show the proposed location of on-site sewer lateral (s), clean-out (s), and connection(s) to the existing public sewer. Plans shall show all proposed plumbing fixtures on the floor plans.
- B. 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.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area. The applicant shall pay the required Public Works drainage fee, which will be assessed on the net increase in impervious area. Drainage plans shall address the following:
1. Provide a cross section detail of the proposed paver block patios and walkways.

2. Plans shall address how the leaves twigs, gravel, sand, silt, and other debris with a potential to clog perforated pipes be prevented from entering the drainage system.
 3. Site plans shall specify required maintenance procedures to assure proper functioning of the proposed drainage system.
 4. Gravel packed chambers shall be screened from the surrounding soils with the use of geotextile fabric filter envelope providing high permittivity.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. Submit a plan review letter from the project Geotechnical Engineer, which states that the plans conform to the recommendations made in the report prepared for the site.
- F. Pay the current fees for Parks and Child Care mitigation for 5 bedroom(s). Currently, these fees are, respectively, \$5,000 (\$1000 per bedroom) for Parks and \$545.00 (\$109 per bedroom) for Childcare fees. If the bedroom count changes consistent with the definition of bedroom under County Code Section 13.10.700 (b), these fees may be changed.
- F. Pay the current fees for Roadside and Transportation improvements for one 5 bedroom single family dwelling. Currently, these fees are, respectively, \$2,540.00 and \$2,540.00. .
- G. 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.
- H. 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.
- I. Complete and record a Declaration of Restriction to maintain a **Declaration of Restriction to Maintain a Structure as a Single Family Dwelling**. **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.

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 three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Sheila McDaniel
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act of determination of the Zoning Administrator, may appeal the act or determination of 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: 08-0247

Assessor Parcel Number: 028-161-05

Project Location: East side of 16th Avenue, south of East Cliff Drive

Project Description: Proposal to construct an approximately 2,747 square foot two-story single family dwelling with an attached 480 square foot garage. The project requires a Coastal Development Permit.

Person or Agency Proposing Project: Jack and Patricia Kennon

Contact Phone Number: (831) 454-0791

- 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).
E. X Categorical Exemption

Specify type: 15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

F. Reasons why the project is exempt: Single family dwelling construction

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

Sheila McDaniel, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

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POR. OF N.E. 1/4 SEC. 20,
T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

28-16

SEVENTEENTH
AVE

Bk. 27
41

71MB28
12/10/81



NINETEENTH

SANTA MARIA DEL MAR
SMB82 Copy 12-1 12/14/81

EIGHTEENTH

16PM73
11/15/74

SUNNY COVE

PRIETA POINT DIV.
1MB82 11/14/04

Assessor's Map No. 28-16
County of Santa Cruz, Calif.
Aug, 1998

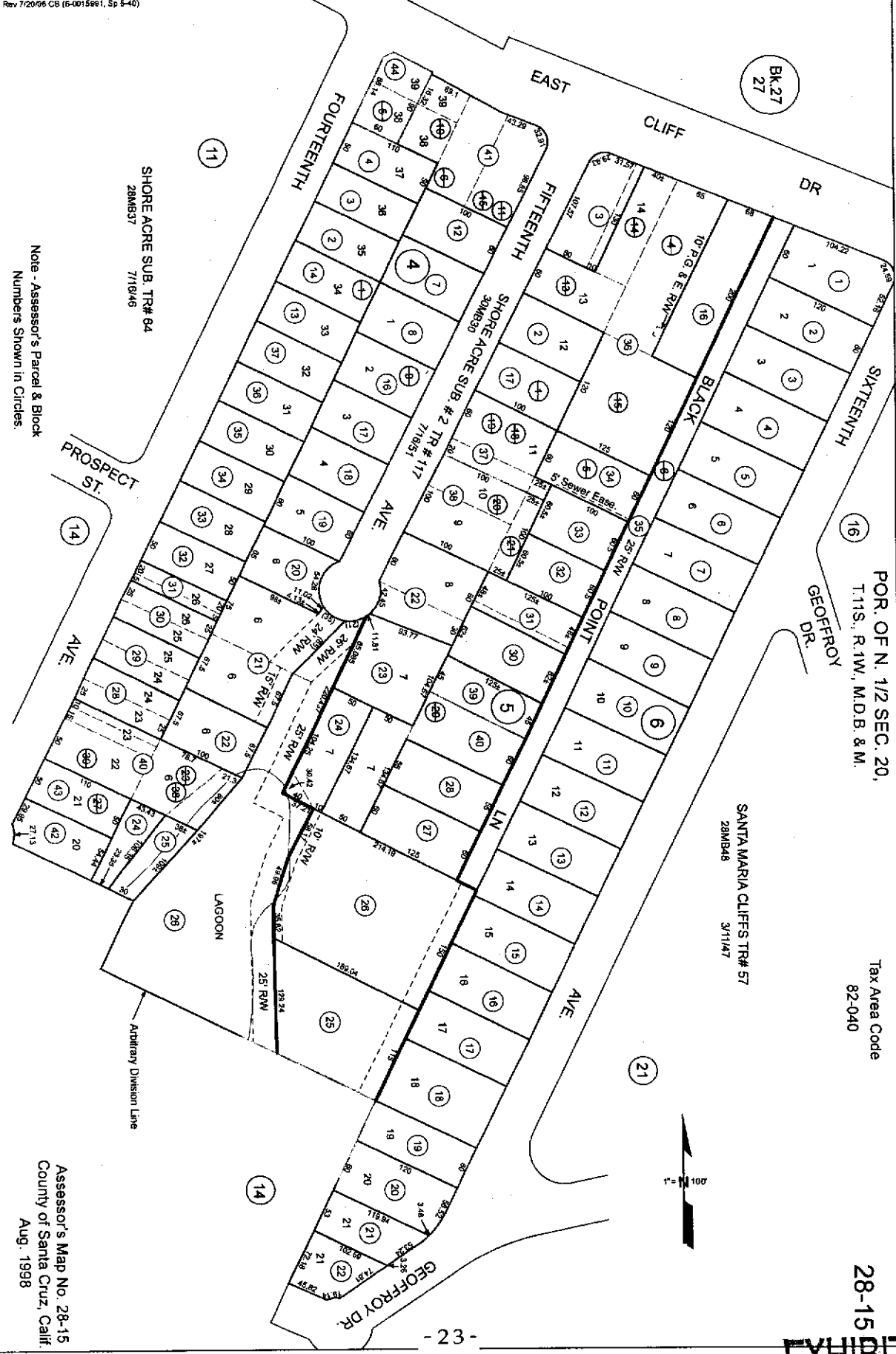
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Electronically Redrawn: 8/18/98 by
Rev. 12/7/98 GC (98-0043507, LBA 1-12)
Rev. 11/12/93 (Revised 407A/566, Comp 1-22)
Rev. 8/12/93 (Revised 407A/566, Comp 1-22)
Rev. 5/13/97 (mm (Added 407A/566, 3-03)

Electronically Redrawn 8/19/96 rw
 Rev 1/29/01 CB (Cor to dim)
 Rev 1/29/02 mvm (TCA)
 Rev 4/26/02 GG (Cemo, Form 5-38)
 Rev 4/26/02 GG (LSA 2002-0039103, 5-37)
 Rev 7/20/06 CB (6-0015990, Sp 5-38)
 Rev 7/20/06 CB (6-0015991, Sp 5-40)

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

Assessor's Map No. 28-15
 County of Santa Cruz, Calif.
 Aug. 1998

POR. OF N. 1/2 SEC. 20,
 T.11S, R.1W, M.D.B. & M.

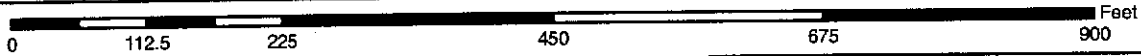
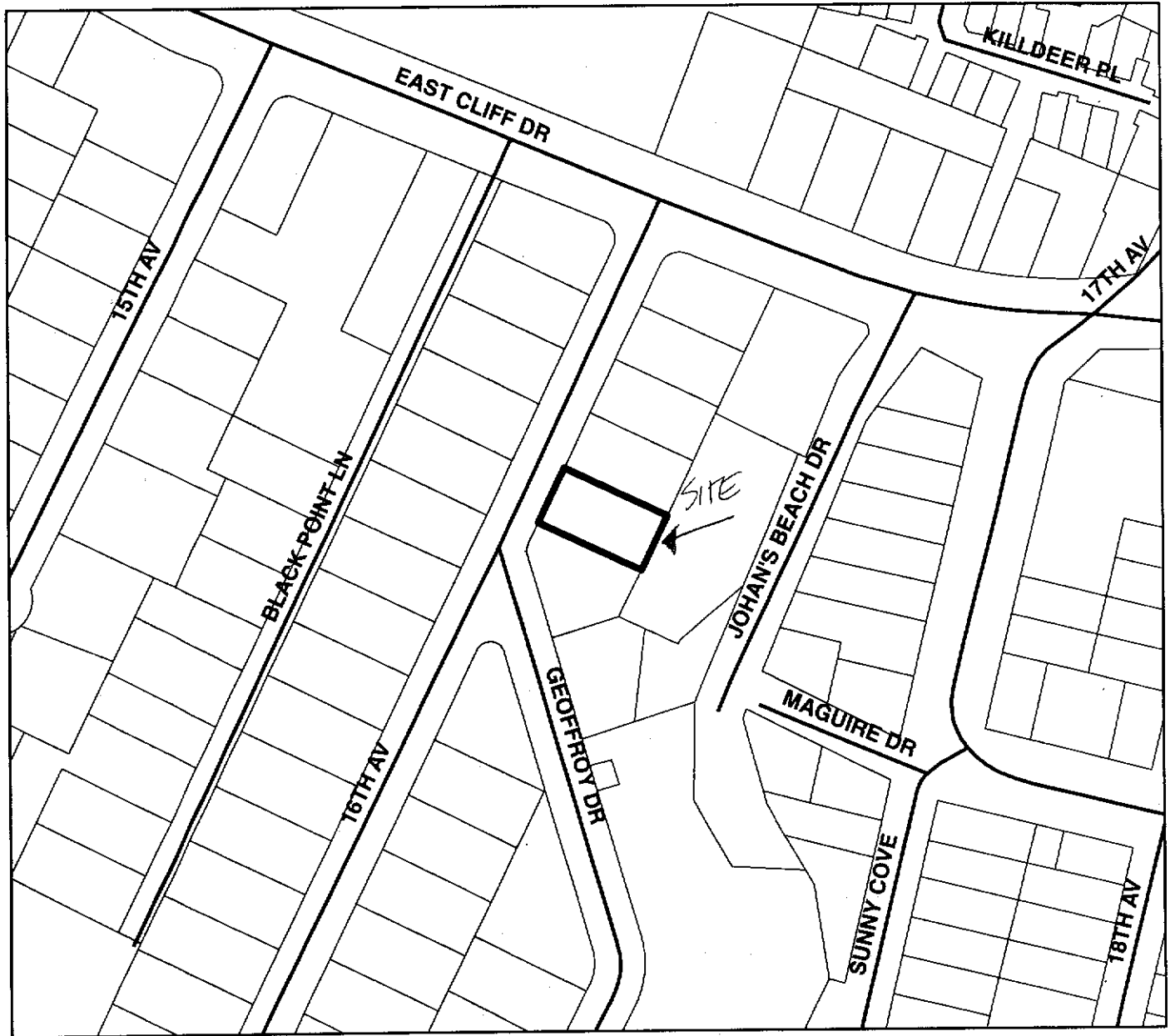
Tax Area Code
 82-040

28-15




EXHIBIT

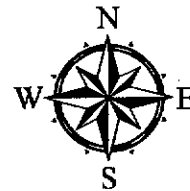


Location Map



LEGEND

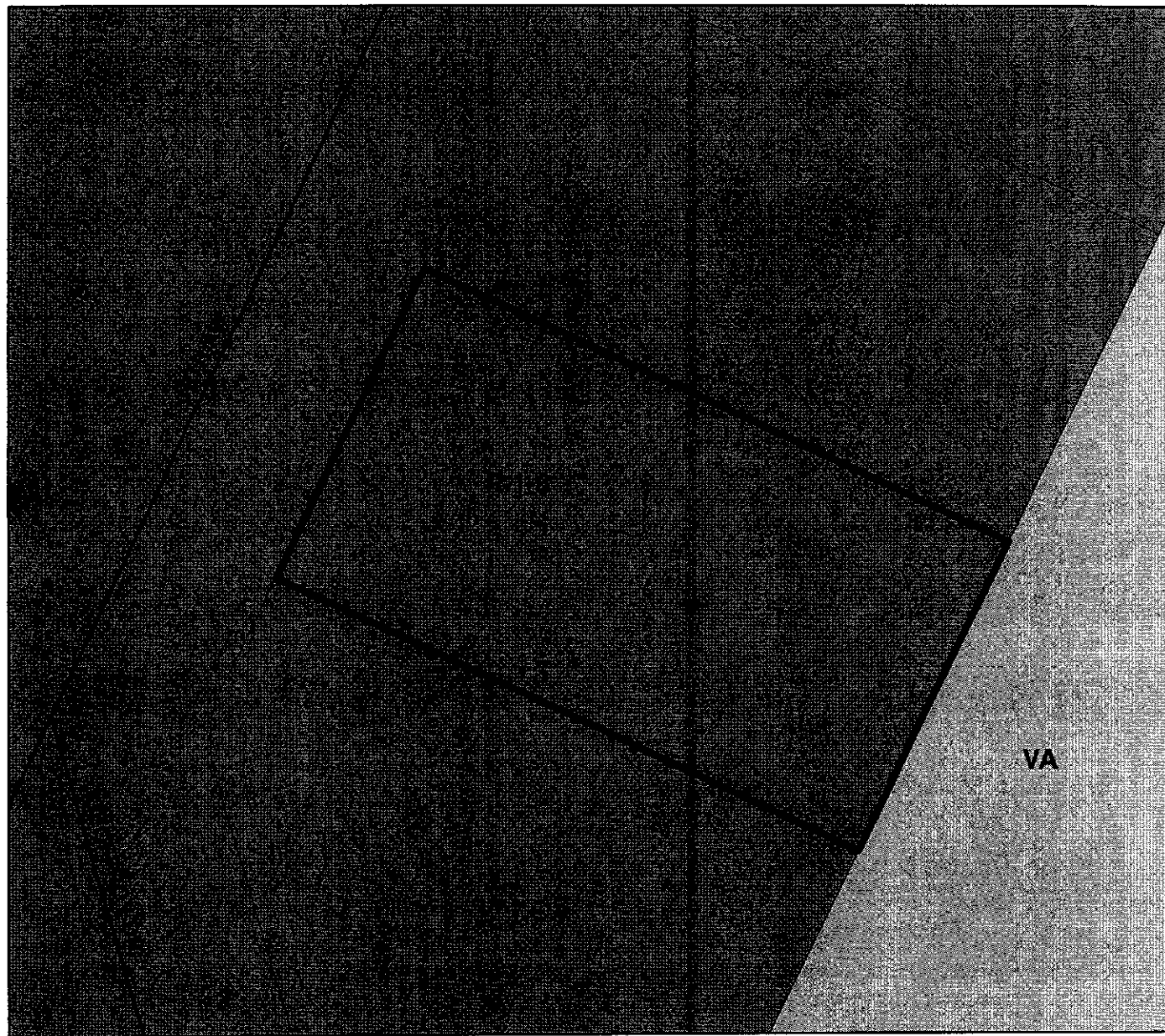
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-  Assessors Parcels
-  Streets



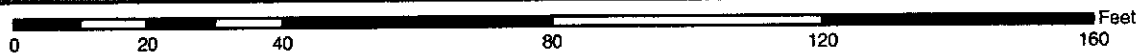
Map Created by
County of Santa Cruz
Planning Department
June 2008



Zoning Map



VA



LEGEND



APN: 028-161-05



Assessors Parcels



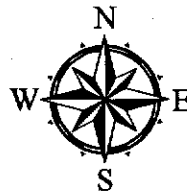
Streets



RESIDENTIAL-SINGLE FAMILY



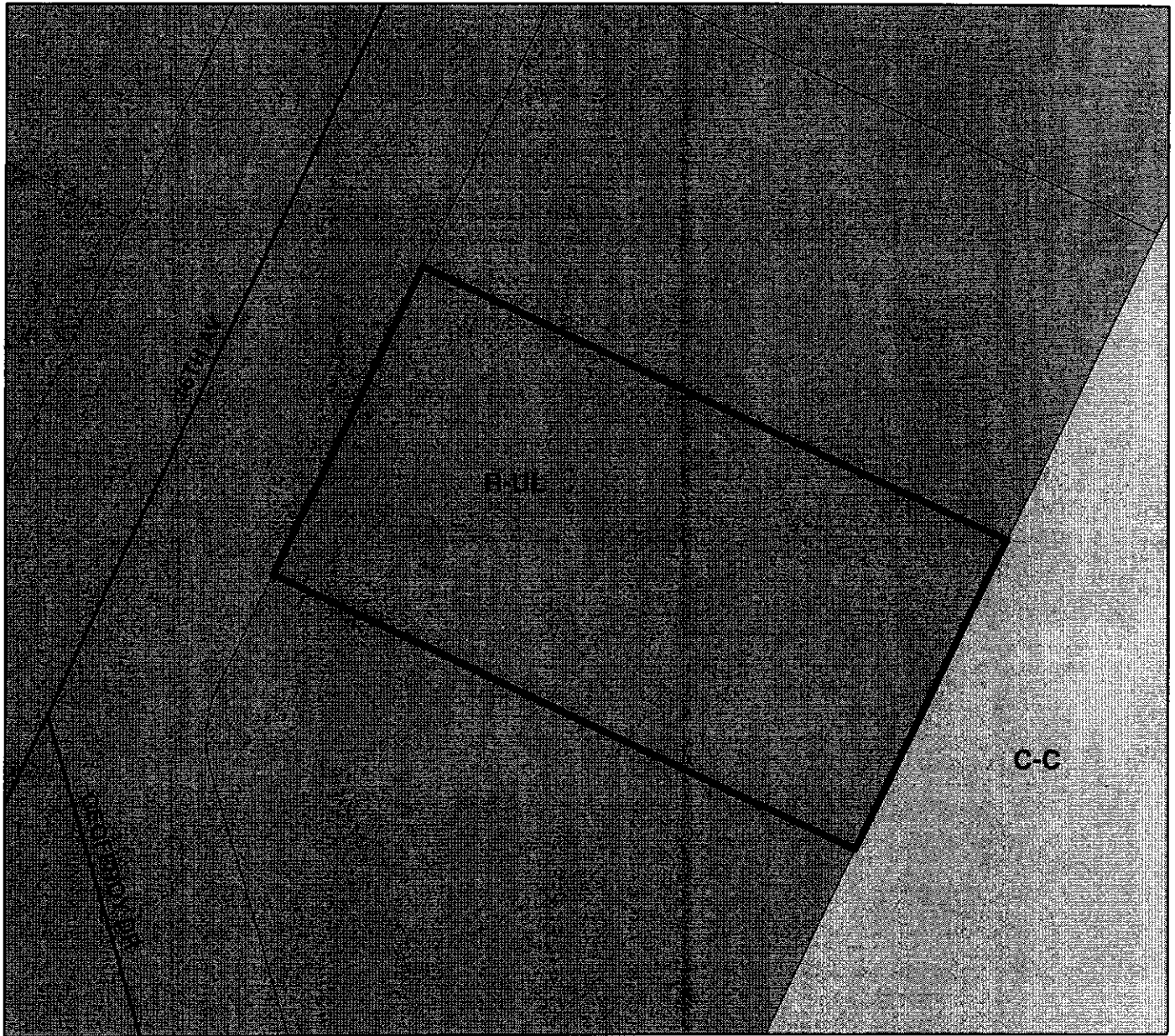
COMMERCIAL-VISITOR ACCOM.








Map Created by
County of Santa Cruz
Planning Department
June 2008

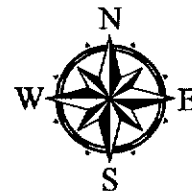


General Plan Designation Map



LEGEND

-  APN: 028-161-05
-  Assessors Parcels
-  Streets
-  Residential - Urban Low Density
-  Commercial-Community



Map Created by
County of Santa Cruz
Planning Department
June 2008

Discretionary Comments - Continued

Project Planner: Sheila McDaniel
Application No.: 08-0247
APN: 028-161-05

Date: April 20, 2009
Time: 10:01:36
Page: 2

NO COMMENT

===== UPDATED ON FEBRUARY 10, 2009 BY TRAVIS RIEBER =====

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON JULY 2, 2008 BY TRAVIS RIEBER =====

1. Does this site currently receive any runoff from adjacent parcels? If so, how will the project continue to accept this runoff without causing adverse impacts to adjacent or downstream properties?

2. Provide cross section construction details for all proposed drainage features.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials. ===== UPDATED ON OCTOBER 23, 2008 BY TRAVIS RIEBER =====

1. Provide a cross section detail of the proposed paver block patios and walkways.

2. How will leaves, twigs, gravel, sand, silt and other debris with a potential to clog perforated pipes be prevented from entering the drainage system? Site plans shall specify required maintenance procedures to assure proper functioning of the proposed drainage system.

3. Gravel packed chambers shall be screened from the surrounding soils with the use of geotextile fabric filter envelope providing high permittivity.

4. A civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. Upon approval of the project a hold will be placed on the permit to be released once a satisfactory letter is received.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON FEBRUARY 10, 2009 BY TRAVIS RIEBER =====
NO COMMENT

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JUNE 19, 2008 BY DEBBIE F LOCATELLI ===== See misc comments.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON JUNE 19, 2008 BY DEBBIE F LOCATELLI =====

Driveway to conform to County Design Criteria Standards; shall conform to existing drainage. No concrete allowed in County right-of-way.

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Sheila McDaniel
Application No.: 08-0247
APN: 028-161-05

Date: April 20, 2009
Time: 10:01:36
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JULY 09, 2008 BY ROBIN M BOLSTER =====

No Comment

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 09, 2008 BY ROBIN M BOLSTER =====

Prior to Building Permit Approval

- 1) Submit 3 copies of geotechnical report.
- 2) Submit engineered grading and drainage plan. Grading to include any necessary excavation and recompaction proscribed in the soils report prepared for the site.
- 3) Submit erosion control plan which includes the location and construction details for all proposed measures. Plan must include protection at site entrance to prevent sediment from leaving the site.
- 4) A plan review letter from the project geotechnical engineer must be submitted, which states that the plans conform to the recommendations made in the report prepared for the site.

Dpw Drainage Completeness Comments

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

===== REVIEW ON JULY 2, 2008 BY TRAVIS RIEBER =====

1. Provide a capacity and condition analysis by a registered civil engineer for the downstream offsite routing path to a safe point of release. Based on this analysis onsite and offsite mitigations should be proposed as deemed necessary by the civil engineer.

2. Projects are required to minimize impervious surfacing. The requirement to minimize impervious surfacing can be achieved by the use of alternative pervious or semi-pervious surfaces where feasible.

The applicant is encouraged to discuss the above comments with the reviewer to avoid unnecessary additional routings. A \$200.00 additional review fee shall be applied to all re-submittals starting with the third routing.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON OCTOBER 23, 2008 BY TRAVIS RIEBER =====

The civil plans dated 8/22/2008 have been received and are approved for the discretionary application stage. See miscellaneous comments for issues to be addressed at the building permit stage. ===== UPDATED ON FEBRUARY 10, 2009 BY TRAVIS RIEBER =====

Discretionary Comments - Continued

Project Planner: Sheila McDaniel
Application No.: 08-0247
APN: 028-161-05

Date: April 20, 2009
Time: 10:01:36
Page: 3

Encroachment permit required for all off-site work in the County road right-of-way. Discretionary permit shall be conditioned: This is a permit parking area, no "No parking" or any other restrictive signs allowed, except for the area in front of driveway. Permit parking space, along frontage of parcel, shall be provided.

This condition shall also be required to be placed on the building plans as a note.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JULY 2, 2008 BY GREG J MARTIN =====

Application is adequate for discretionary application. Additional details regarding the driveway shall be required with the building permit application. Live Oak TIA fees of \$4720 for a single family house are required. Greg Martin 831-454-2811

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JULY 2, 2008 BY GREG J MARTIN =====

Dpw Sanitation Completeness Comments

===== REVIEW ON JUNE 27, 2008 BY CARMEN M LOCATELLI =====

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON JUNE 27, 2008 BY CARMEN M LOCATELLI =====

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Show all existing and proposed plumbing fixtures on floor plans of building application.