

# Staff Report to the Zoning Administrator

Application Number: 09-0099

Applicant: Susan Dee Cummins

**Owner:** Glen Davis **APN:** 054-192-02

Agenda Date: June 5, 2009

Agenda Item #: 10 Time: After 10:00 a.m.

**Project Description**: Proposal to recognize remodel of an existing 2-story single-family dwelling, includes replacement of front porch and existing exterior siding with stucco facade, modification of second floor deck and front columns, addition of porch roof over front door, replacement of existing windows in-kind, relocation of front door, replacement of deck railing, and removal of existing exterior stairs on the southeastern side of dwelling.

Location: Project located on the northeast side of Via Gaviota approximately 100 feet east from the intersection with Clubhouse Drive (927 Via Gaviota)

Supervisoral District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0099, based on the attached findings and conditions.

### **Exhibits**

A.	Project	plans
T. F.	110,000	Pruis

B. Findings

C. ConditionsD. Categorical Exemption

Categorical Exemption (CEQA determination)

E. Assessor's, Location, Zoning and General Plan Maps

F. Assessor's Residential Building Records

G. Comments & Correspondence

# **Parcel Information**

Parcel Size:

6,358 square feet

Existing Land Use - Parcel:

Single-family residential

Existing Land Use - Surrounding:

Single-family residential

Project Access:

Via Gaviota

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

Planning Area:

Aptos

Land Use Designation:

R-UL (Urban Low Residential)

Zone District:

R-1-6 (Single-Family Residential – 6,000 sq. ft.

minimum lot size))

Coastal Zone:

X Inside \_ Outside

Appealable to Calif. Coastal Comm. X Yes

Yes \_\_ No

# **Environmental Information**

Geologic Hazards:

At the toe of a steep coastal bluff, however no ground was disturbed

by the work proposed to be recognized

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes: At the toe of a steep

At the toe of a steep coastal bluff, however no ground was disturbed

by the work proposed to be recognized

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

No grading occurred

Tree Removal:

No trees proposed to be removed

Scenic: Drainage: Mapped scenic resource Existing drainage adequate

Archeology:

Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:

X Inside \_ Outside Soquel Creek Water District

Water Supply:

Public

Fire District:

Aptos-La Selva Fire Protection District

Drainage District:

Sewage Disposal:

Zone 6

# History

Assessor's Residential Building Records (Exhibit F) indicate that the subject single-family dwelling was constructed in 1973 in substantially the same configuration as exists today. The original dwelling was constructed with a second story rooftop deck, prior to the enactment of the ordinance in the early 1990s, which prohibited such rooftop decks.

Records also indicate the historic presence of the existing second story decks at the front and rear of the dwelling. Submitted plans for the subject application show a living room and bathroom to the rear of the garage. Nothing in the Assessor's records negates the possibility that both the living room and bathroom were original to the house.

On January 20, 2009 a red tag was issued against the subject property for unpermitted remodeling work to both the exterior and interior of the dwelling. This Coastal Permit addresses the exterior construction work, which is subject to Section 13.20 of the County Code and requires a Coastal Development Permit. The interior remodel work has not impacted the exterior of the house, nor has it altered the number of bedrooms or otherwise affected the intensity of the

use of the property. Therefore the interior remodel work does not require Coastal Approval. No ground disturbance has occurred as a result of the unpermitted construction, nor has there been any change to the square footage of the existing dwelling.

# **Project Setting**

The subject parcel is 6,300 square feet in area and is developed with an existing 2,689 square foot two-story single-family dwelling and attached garage. The lot is located at the base of a steep coastal bluff and is about 140 feet from the beach. The parcel is essentially flat and approximately 27% of the site is located within the VE Flood Zone and subject to high velocity waters, including tidal and coastal inundation. The house takes access from Via Gaviota, a private road. The property is zoned R-1-6 and located in the Aptos Planning Area.

The current proposal is to recognize the replacement of existing exterior siding, modification of second floor deck, relocation of front door, construction of new porch entry over front door, replacement of existing windows in-kind, replacement of deck railing, removal of existing exterior stairs along the southeastern side of the house, and interior remodel of kitchen and bathroom. Both the original and remodeled dwelling configuration conform to all required site standards of the R-1-6 zone district. The remodel work that has occurred has not significantly impacted the overall square footage of the dwelling and no ground disturbance has taken place in conjunction with the unpermitted work recognized by this permit.

# Zoning & General Plan Consistency

The subject property is a parcel of approximately 6,300 square feet, located in the R-1-6 (Single-Family Residential -6,000 square foot minimum site area) zone district, a designation, which allows residential uses. The proposed recognition of residential remodeling is a principal permitted use within the zone district and the project is consistent with the site's R-UL (Urban Low Residential) General Plan designation.

# **Local Coastal Program Consistency**

The proposal to recognize existing residential remodeling 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 modification to existing windows and front door, decks, siding, and covered porch represent upgrades to what had been a very dated and drab exterior. Additionally, the improvements to the existing decks were necessary for the safety of those structures. Developed parcels in the area contain one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the work that has been performed fits easily within that range. The project site is located between the shoreline and the first public road but is not identified as a priority acquisition site in the County's Local Coastal Program. The dwelling is located at the base of a coastal bluff and the configuration has been largely unchanged. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

# Design Review

The proposed recognition of residential remodeling work complies with the requirements of the County Design Review Ordinance, in that the project generally maintains the original configuration and design of the existing structure while providing updates to original features such as replacement of the weathered wood siding and outdated deck and deck railing material. The proposed changes also include the use of a more contemporary color palette, a new front porch and more pronounced entry area that will be more welcoming than the original design. The modest updates reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. This project was reviewed and approved by the Larry Kasparowitz, the County Urban Designer.

## **Environmental Review**

The proposed residential addition is categorically exempt from review under the Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

# 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 09-0099, 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: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By: Robin Bolster-Grant

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-5357

E-mail: Robin.Bolster@co.santa-cruz.ca.us

# PROPOSED REMODEL

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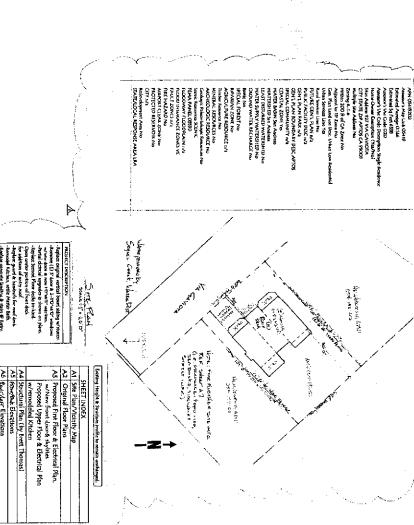
5558 5.F. Lot (ref. Assessor records) 486 5.F. Impervious Surface removed 2146/0458 -363 Impervious Surface Total

FOR THE

# DAVIS FAMILY

927 VIA GAVIOTA

RIO DEL MAR/SEASCAPE, CA 95003



BRETT THOMAS DESIGNS
2338 LINCOLN AVENUE - SAM JOSE, CA 98125 (408) 309-8376

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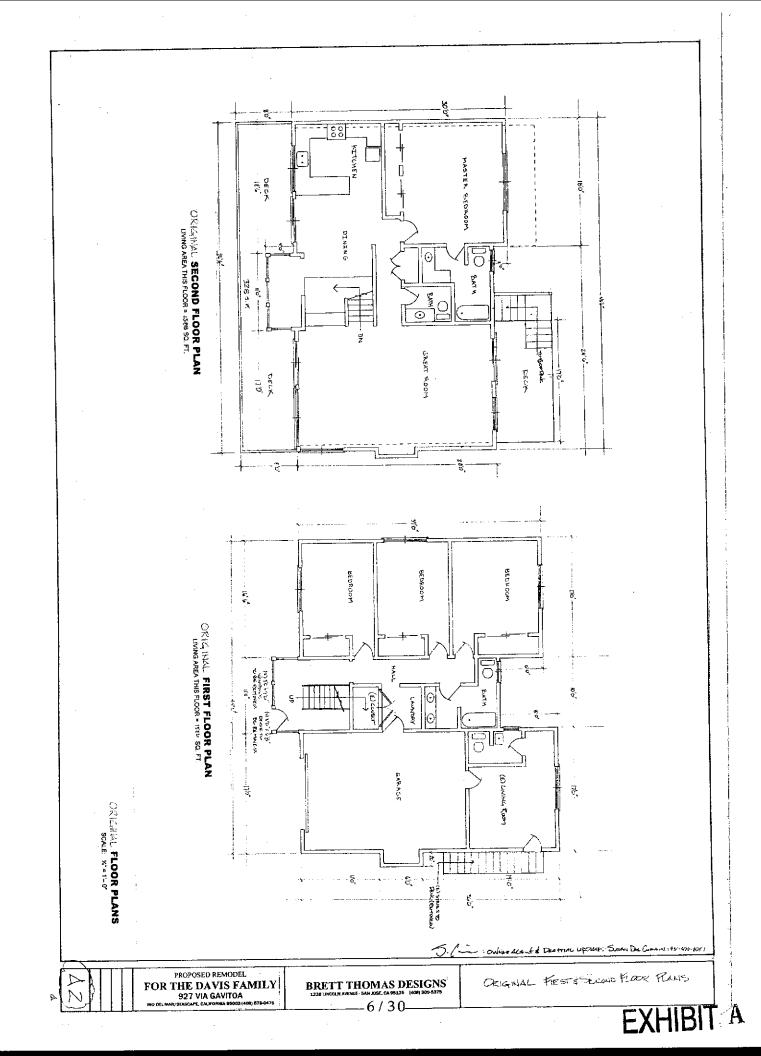
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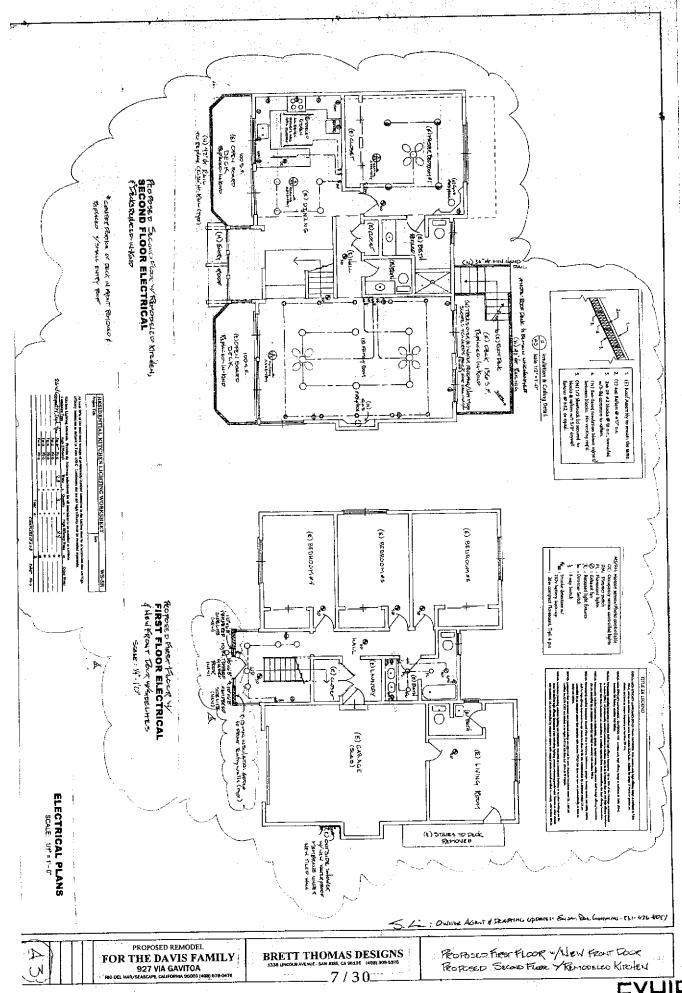
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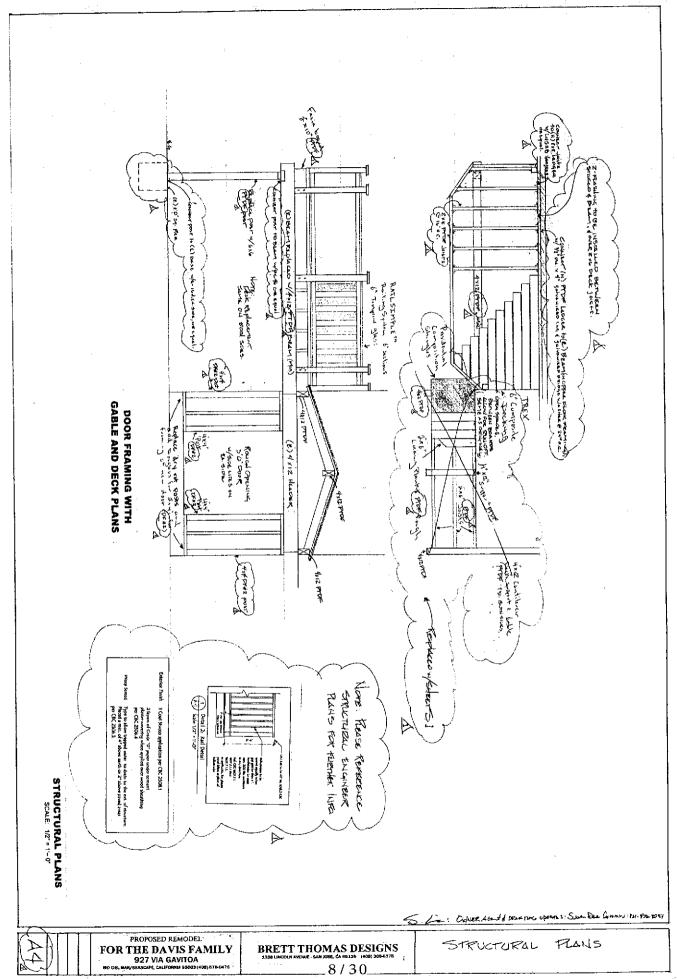
PROPOSED REMODEL

FOR THE DAVIS FAMILY
927 VIA GAVITOA
180 DEL MARVESASCAPE, CULTORNILA ESCOSI (400) 678-047A

EXHIBIT A





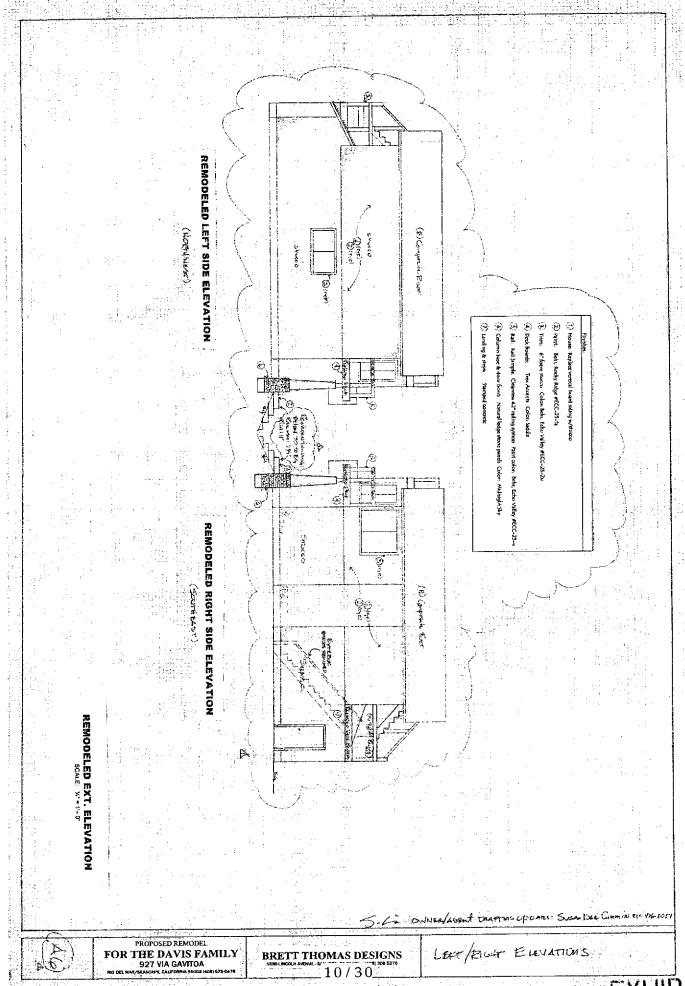


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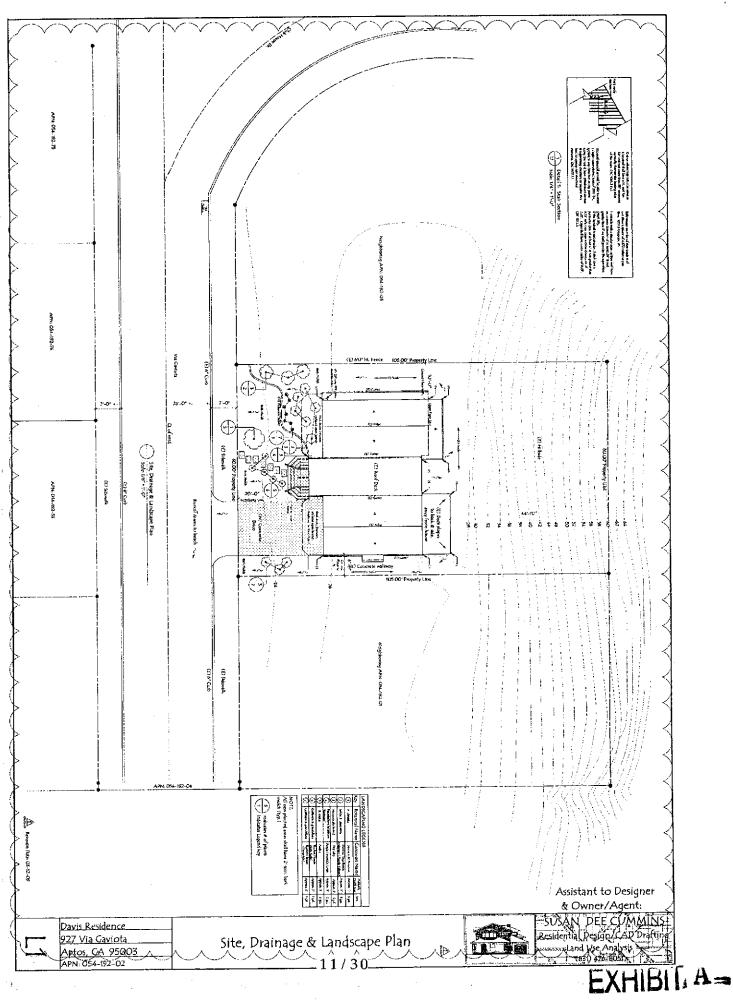
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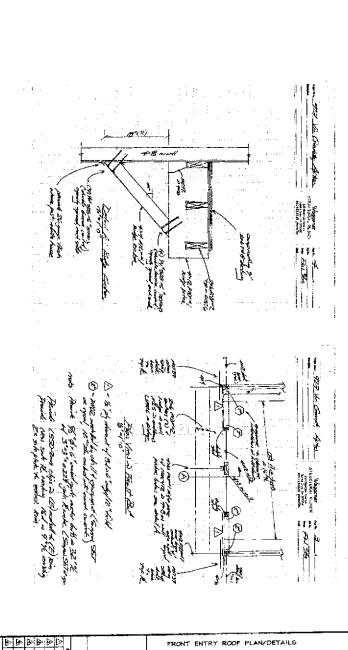
FOR THE DAVIS FAMILY
927 VIA GAVITOA
RIO DEL MARISEASCHE CALFORNIA 95003 (408) 5750476 FEWIT/Back ELEVATIONS BRETT THOMAS DESIGNS
1338 LINCOLN AVENUE- SOM WEE FR BANTON (408) 30056378

EXHIBIT A



EXHIBIT, A





POTTANA

DRAWN DT: PH DATE 4401 DATE 4401

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FRONT ENTRY ROOF PLAN/DETAILS

927 VIA GAVIOTA
RIO DEL MAR, CALIFORNIA

12/30

EXHIBITI A

# **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 -6,000 minimum parcel area), a designation which allows residential uses. The proposed residential remodel is a principal permitted use within the zone district, consistent with the site's () R-UL (Urban Low 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. No increase in footprint or ground disturbance is proposed.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors are natural in appearance and complementary to the site; the development site is on a beach, but represents only a small change in the overall appearance of the existing dwelling. The proposed changes are a modest effort to update the 37-year old dwelling, while maintaining the existing character and style of the structure.

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 while the project site is located between the shoreline and the first public road, the site is located at the toe of a steep coastal bluff and the construction has not resulted in any increase in the footprint of the existing dwelling. Consequently, the residential remodel does 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, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-6 zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain both 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.

# **Conditions of Approval**

Exhibit A: Project plans, 8 sheets: A1-A6, L1 prepared by Susan Dee Cummins, dated 3-12-09, Sheet S1 prepared by Waggoner Structural Design, dated April 2009.

- I. This permit authorizes the replacement of existing exterior siding, modification of second floor deck, relocation of front door, construction of new porch entry over front door, replacement of existing windows in-kind, replacement of deck railing, and the removal of existing exterior stairs along the southeastern side of the house. 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.
    - 1. 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.
  - C. 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. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.

- 2. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- 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 6 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Aptos-La Selva Fire Protection District.
- E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "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.

Don Bussey Deputy Zoning Administrator	Robin Bolster-Grant Project Planner
Expiration Date:	
Effective Date:	
Approval Date:	

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: 09-0099 Assessor Parcel Number: 054-192-02 Project Location: 927 Via Gaviota
Project Description: Residential Remodel
Person or Agency Proposing Project: Susan Dee Cummins
Contact Phone Number: 831-476-8051
<ul> <li>A The proposed activity is not a project under CEQA Guidelines Section 15378.</li> <li>B The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).</li> <li>C Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.</li> <li>D Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).</li> </ul>
Specify type:
E. X Categorical Exemption
Specify type: Existing Facilities, CEQA Guidelines Section 15301(e)
F. Reasons why the project is exempt:
Proposal involves a residential remodel, which is less than 50% of the floor area of the existing residence, less than 2,500 square feet and not located in an environmentally sensitive area.
In addition, none of the conditions described in Section 15300.2 apply to this project.
Date:
Robin Bolster-Grant, Project Planner

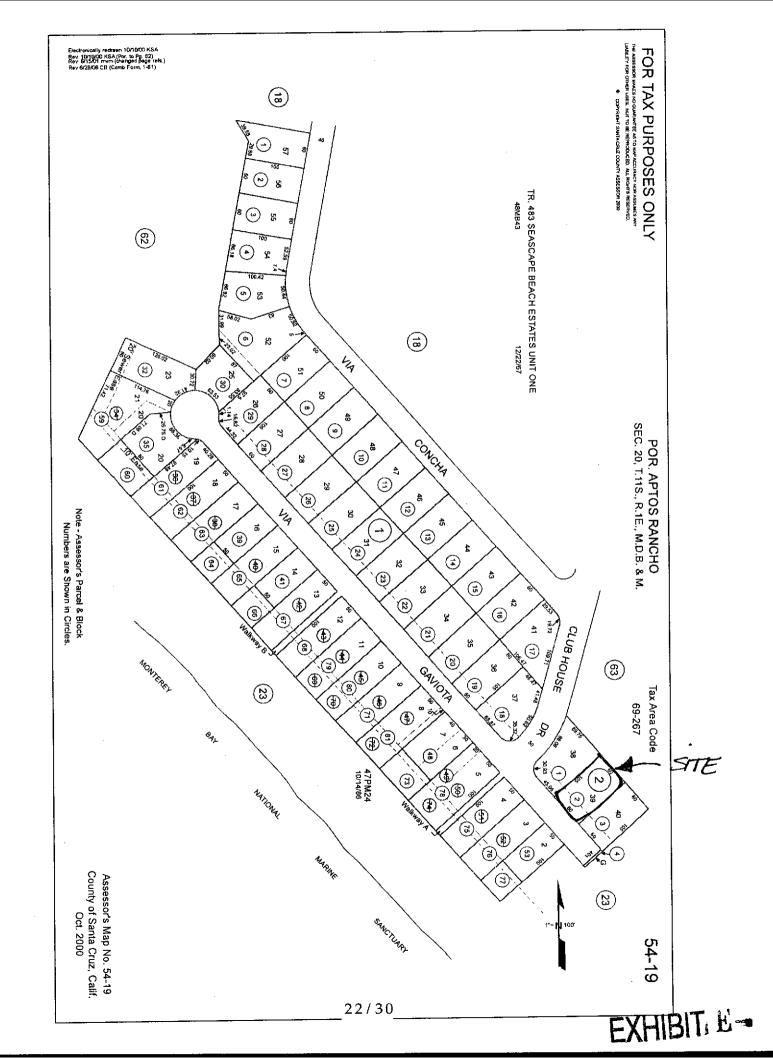
# TRANSMITTAL - LEVEL 5, 6 & 7

DATE	):	
TO:		Support Staff
FROM	1:	«Planning_Staff»
RE:		Application # «Application_Number»
PLEA	ASE CO	MPLETE THE ITEMS CHECKED BELOW:
Return	all orig	al documents to the planner, unless checked $\Rightarrow \Box$ Use original documents for distribution
	Make_	copies of the attached documents; distribute as follows:
		Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
		Send a copy to District Supervisor (via Inter-office mail)
		Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)
		☐ Housing (Conditions – projects with affordable housing reqts.)
		Extra copy to planner
		Mail a copy to the California Coastal Commission:   Certified Mail  Send attached pla
		Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits
		Mail copy of permit conditions to: (Local Fire Distric
	Send c	py of CEQA notice to the Clerk of the Board:
		□ Notice of Exemption
		☐ Notice of Determination/Negative Declaration
		☐ Certificate of Fee Exemption
	Specia	instructions:
		Send attached exhibit(s) to:
		☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
		Send attached recordable documents to:
		☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
Compl	leted by:	
		(support staff) (date)

# 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.

Assessor Parce	umber: 09-0099 el Number: 054-192-02 on: 927 Via Gaviota
Project Descr	iption: Residential Remodel
Person or Ago	ency Proposing Project: Susan Dee Cummins
Contact Phon	ne Number: 831-476-8051
A B C D	The proposed activity is not a project under CEQA Guidelines Section 15378.  The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15360 to 15365)
Specify type:	15260 to 15285).
E. <u>X</u>	Categorical Exemption
Specify type:	Existing Facilities, CEQA Guidelines Section 15301(e)
F. Reason	ns why the project is exempt:
-	ves a residential remodel, which is less than 50% of the floor area of the existing than 2,500 square feet and not located in an environmentally sensitive area.
In addition, no	one of the conditions described in Section 15300.2 apply to this project.
Robin Bolster	Date: 5/8/09  Orant, Project Planner





# Location Map



LEGEND

APN: 054-192-02

Assessors Parcels

Streets

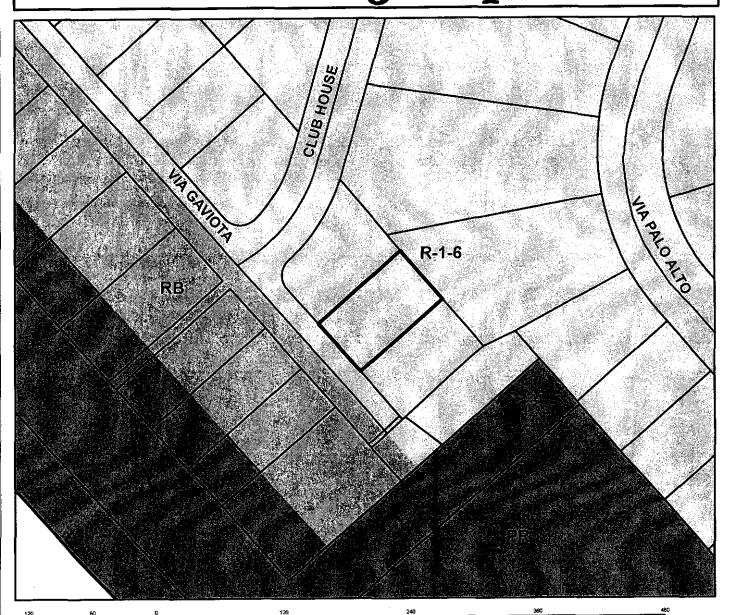
County Boundary



Map Created by County of Santa Cruz Planning Department April 2009



# Zoning Map





- APN: 054-192-02
- Assessors Parcels
- ---- Streets
- County Boundary

RESIDENTIAL-SINGLE FAMILY

RESIDENTIAL-OCEAN BEACH

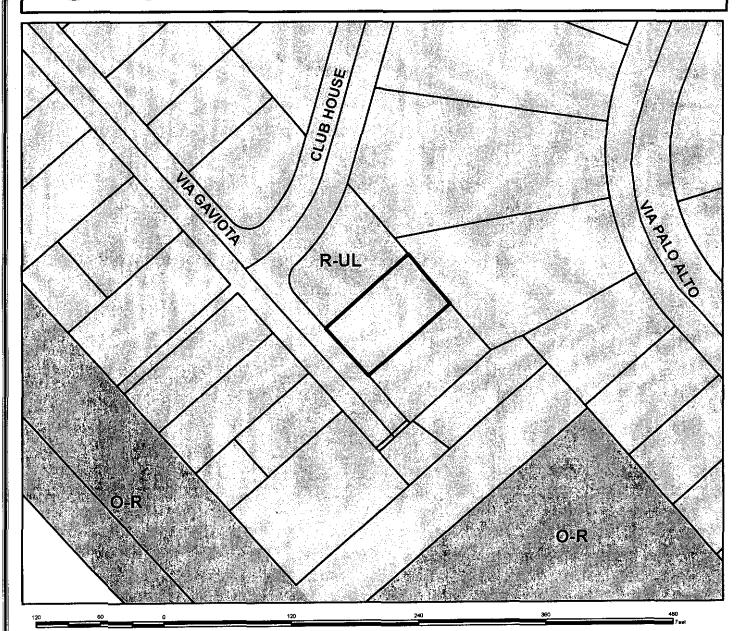
PARK

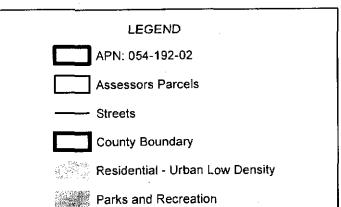


Map Created by County of Santa Cruz Planning Department April 2009



# General Plan Designation Map







Map Created by County of Santa Cruz Planning Department April 2009

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EXHIBIT F.

\_ SHEETS

44-452-08 54-192 01

Wolls S.R.

INTERIOR FINISH
Valls Ceilings
Control

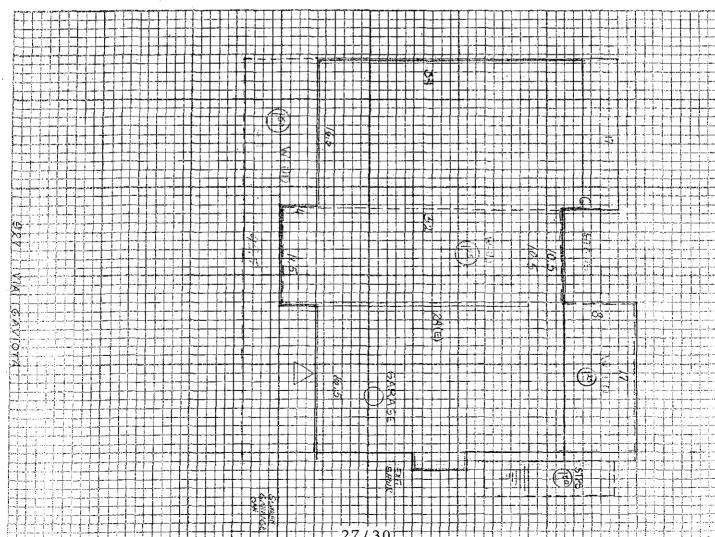
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MISCELLANEOUS STRUCTURES

Structure Found Cons.

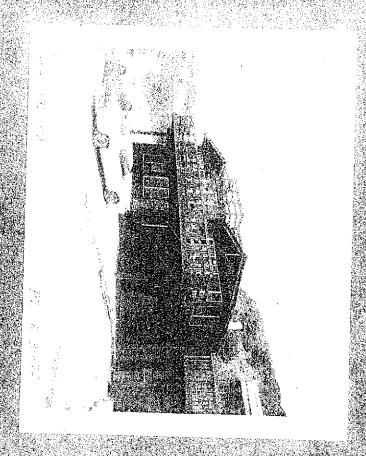
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Roof

Floor

5

EXHIBIT F-



# C C NTY OF SANTA TRUZ Discretionary Application Comments

Project Planner: Robin Bolster

Application No.: 09-0099

APN: 054-192-02

Date: April 16. 2009

Time: 17:22:01

Page: 1

# Code Compliance Completeness Comments

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

## Code Compliance Miscellaneous Comments

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

---- REVIEW ON APRIL 7, 2009 BY LAURA MADRIGAL ----- NO COMMENT

# **Dpw Drainage Completeness Comments**

---- REVIEW ON APRIL 7. 2009 BY TRAVIS RIEBER -----

# **Dpw Drainage Miscellaneous Comments**

For fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces please provide documentation such as assessor-s records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

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  $8:00\,\mathrm{am}$  to  $12:00\,\mathrm{noon}$  if you have questions.

# Dpw Driveway/Encroachment Completeness Comments

No Comment, project adjacent to a non-County maintained road.

### Dpw Driveway/Encroachment Miscellaneous Comments

No comment.

# **INTEROFFICE MEMO**

**APPLICATION NO: 09-0099** 

Date: April 15, 2009

To: Robin Bolster-Grant, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Remodel at 927 Via Gaviota, Aptos

# **COMPLETENESS ITEMS**

• none

# **COMPLIANCE ISSUES**

A roof top deck over two stories is not permitted.