



Staff Report to the Zoning Administrator

Application Number: **09-0136**

Applicant: Dan Townsend
Owner: Kevin & Katherine McLarney
APN: 032-211-33

Agenda Date: September 4, 2009
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing two-story single-family dwelling and attached garage, and to construct a replacement 2,498 square foot two-story single-family dwelling with an attached garage and non-habitable basement. Requires a Coastal Development Permit.

Location: The property is located approximately 19 feet north of the intersection of 35th Avenue and East Cliff Drive at 211 35th Avenue.

Supervisory District: First 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 09-0136, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	5,000 square feet
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	residential
Project Access:	From driveway off of 35 th Avenue
Planning Area:	Live Oak

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

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: level
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: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire District
Drainage District: Zone 5

History

According to Assessors' records, the existing 1,870 square foot single-family residence was built in 1958. Prior to submitting the application for the currently proposed new residence, the owners received a consultation under project # 07-0284.

Project Setting

The proposed project is located across the street and one house away from the corner of 35th Avenue and East Cliff Drive. The project would be just over 65 feet from the coastal bluff, and Environmental Planning has determined that the geologic setback is sufficient. The East Cliff beach community neighborhood is characterized by an eclectic mix of single-family dwellings with tight setbacks on small parcels.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 5,000 square feet, located in the R-1-4 (single-family residential, 4,000 square foot minimum) 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-UM) Urban Medium Residential General Plan designation.

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. 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. 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 single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as cedar shingle siding and other natural materials and colors to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

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 15303 (Class 3- New Construction).

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

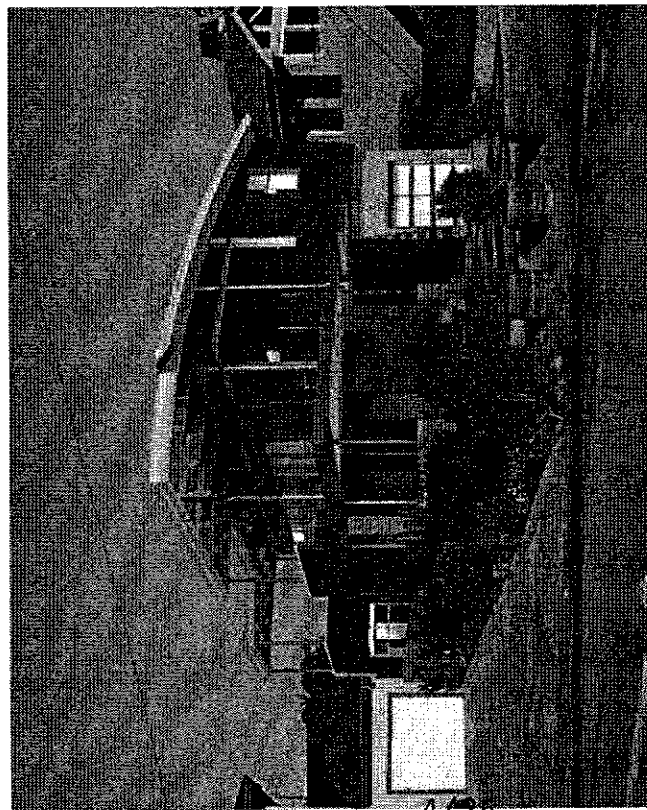
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **09-0136**, based on the attached findings and conditions.

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

Report Prepared By: Alice Daly
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3259
E-mail: alice.daly@co.santa-cruz.ca.us

McLARNY RESIDENCE



MATERIALS

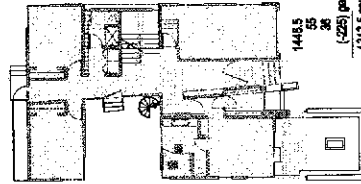
WESTERN RED CEDAR WITH WALNUT STAIN
 YELLOW CEDAR/PACIFIC CYPRESS
 BLUE TINTED GLASS
 PEWTER COLOR METAL

OWNER: KEVIN AND KATHARINE McLARNEY
 ADDRESS: 211 35TH AVE, SANTA CRUZ CA.
 APN# 032-211-33
 APPLICATION # 09-0136

ARCHITECT: FUSE ARCHITECTS INC.
 201 MONTEREY AVE. SUITE G
 CAPITOLA, CA 95010
 831-478-9285

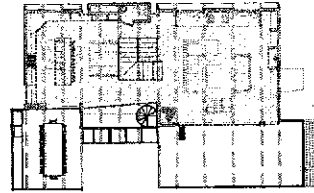
PLANNERS: ALICE DALY, POCILA WILSON, LAWRENCE KASPAROWITZ

DATE: 08/11/11
 DRAWN BY: ALICE DALY
 CHECKED BY: LAWRENCE KASPAROWITZ
 APPROVED BY: POCILA WILSON



GROUND FLOOR PLAN - POLYGON ANALYSIS

1448.5
 35
 28
 1313.5 counted BF
 1425 garage



UPPER FLOOR PLAN - POLYGON ANALYSIS

1165 counted s.f.

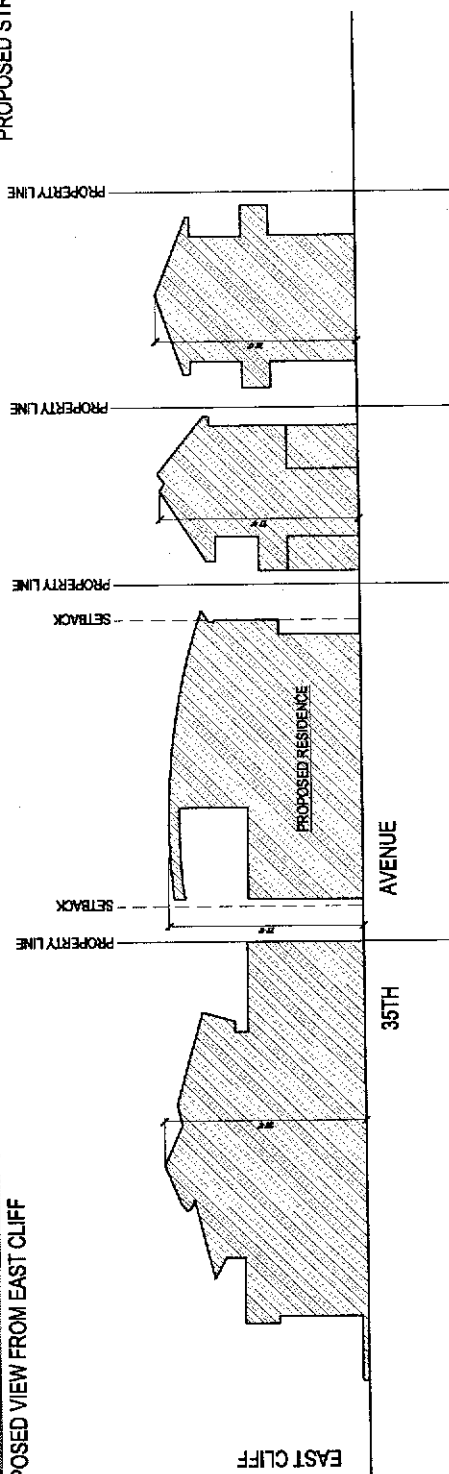
F.A.R. CALCULATIONS
 1313.5 TOTAL SQUARE FOOTAGE COUNTED GROUND FLOOR
 1165 TOTAL SQUARE FOOTAGE COUNTED UPPER FLOOR
 2478.5 TOTAL SQUARE FOOTAGE COUNTED BASEMENT (BASEMENT UNDER 7'-6" AND IS NON-HABITABLE)
 2478.5 TOTAL SQUARE FOOTAGE COUNTED ALL FLOORS
 2478.5 TOTAL SQUARE FOOTAGE ALLOWED (80% OF LOT SIZE OF 9000 SQUARE FEET)

LOT COVERAGE
 9000 NET PARCEL AREA
 1165 TOTAL SQUARE FOOT COVERAGE BY STRUCTURES
 33.6% PROPOSED PARCEL COVERAGE
 40% MAX ALLOWED

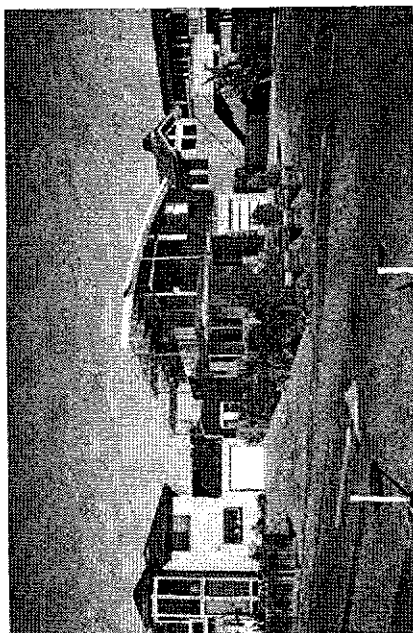
IMPERVIOUS CALCULATION
 1165 TOTAL SQUARE FEET IMPERVIOUS
 1777 SQUARE FEET PERVIOUS
GRADING QUANTITIES
 NO SURFACE GRADING REQUIRED
 300 CUBIC YARDS POLOVER EXCAVATION AND RECOMPACTION
 300 CUBIC YARDS REMOVED FOR BASEMENT

McLarny - Residence	Information	Sheet	A0.1
	211 35TH AVE, SANTA CRUZ CA. APN# 032-211-33 Mc LARNEY RESIDENCE	Date 08/11/11 1313.5 counted BF 1425 garage	1165 counted s.f. UPPER FLOOR PLAN - POLYGON ANALYSIS

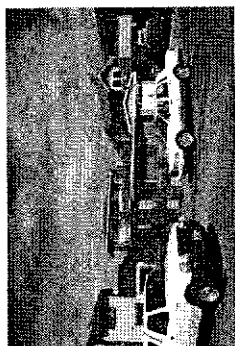
NEIGHBORHOOD MASSING



PROPOSED VIEW FROM EAST CLIFF



PROPOSED STREETSCAPE



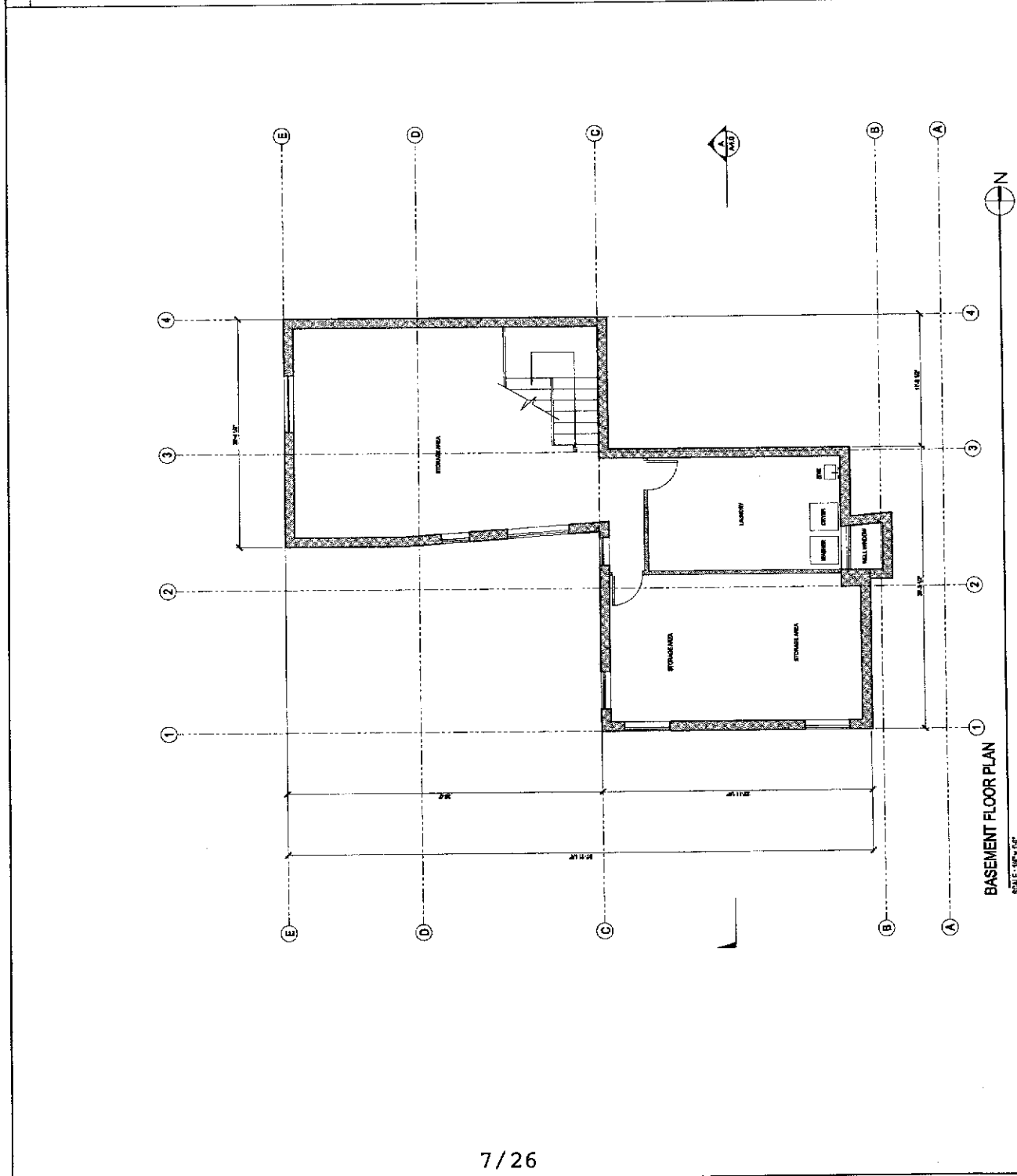
EXISTING STREETScape

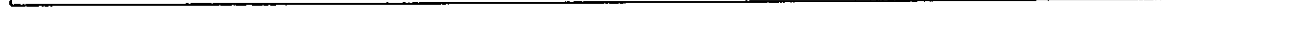
Sheet	3D Images & Neighborhood Cross Section	3 20 00 6 20 00 PLAN SUBMIT 02	OWNER	211 36TH AVE., SANTA CRUZ CA APRIL 02-211 33	321 Monterey Avenue, Suite 2 Santa Cruz, CA 95060 Tel: 408 295-1100 Fax: 408 295-1101 Email: info@mc-larney.com www.mc-larney.com	321 Monterey Avenue, Suite 2 Santa Cruz, CA 95060	McLarney - Residential
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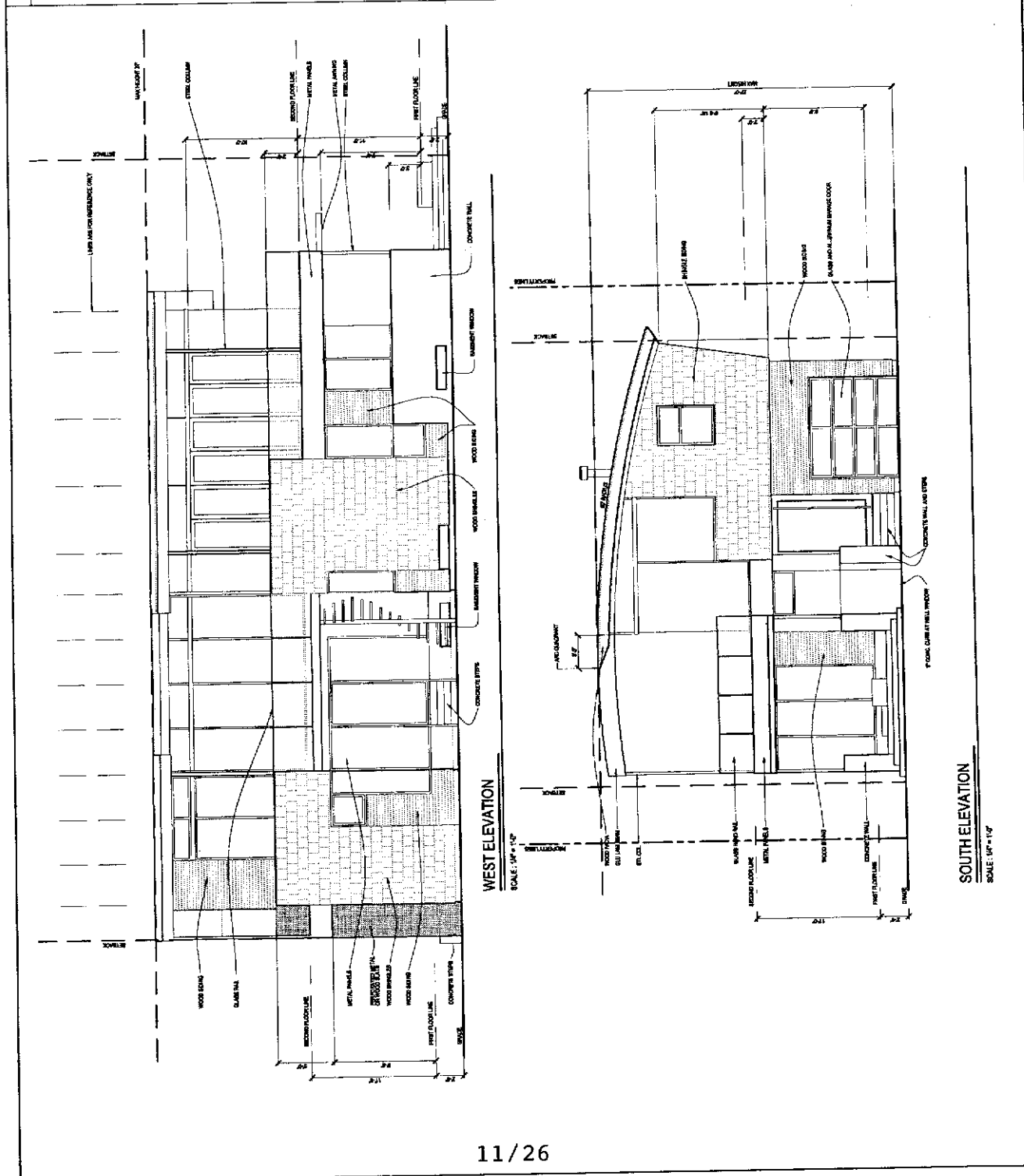
WALL LEGEND


- 12" x 12" CONCRETE BLOCK
- 8" x 8" CONCRETE BLOCK
- 4" x 4" CONCRETE BLOCK
- 2" x 2" CONCRETE BLOCK
- 1" x 1" CONCRETE BLOCK
- 1/2" x 1/2" CONCRETE BLOCK
- 1/4" x 1/4" CONCRETE BLOCK
- 1/8" x 1/8" CONCRETE BLOCK
- 1/16" x 1/16" CONCRETE BLOCK
- 1/32" x 1/32" CONCRETE BLOCK
- 1/64" x 1/64" CONCRETE BLOCK
- 1/128" x 1/128" CONCRETE BLOCK
- 1/256" x 1/256" CONCRETE BLOCK
- 1/512" x 1/512" CONCRETE BLOCK
- 1/1024" x 1/1024" CONCRETE BLOCK
- 1/2048" x 1/2048" CONCRETE BLOCK
- 1/4096" x 1/4096" CONCRETE BLOCK
- 1/8192" x 1/8192" CONCRETE BLOCK
- 1/16384" x 1/16384" CONCRETE BLOCK
- 1/32768" x 1/32768" CONCRETE BLOCK
- 1/65536" x 1/65536" CONCRETE BLOCK
- 1/131072" x 1/131072" CONCRETE BLOCK
- 1/262144" x 1/262144" CONCRETE BLOCK
- 1/524288" x 1/524288" CONCRETE BLOCK
- 1/1048576" x 1/1048576" CONCRETE BLOCK
- 1/2097152" x 1/2097152" CONCRETE BLOCK
- 1/4194304" x 1/4194304" CONCRETE BLOCK
- 1/8388608" x 1/8388608" CONCRETE BLOCK
- 1/16777216" x 1/16777216" CONCRETE BLOCK
- 1/33554432" x 1/33554432" CONCRETE BLOCK
- 1/67108864" x 1/67108864" CONCRETE BLOCK
- 1/134217728" x 1/134217728" CONCRETE BLOCK
- 1/268435456" x 1/268435456" CONCRETE BLOCK
- 1/536870912" x 1/536870912" CONCRETE BLOCK
- 1/1073741824" x 1/1073741824" CONCRETE BLOCK
- 1/2147483648" x 1/2147483648" CONCRETE BLOCK
- 1/4294967296" x 1/4294967296" CONCRETE BLOCK
- 1/8589934592" x 1/8589934592" CONCRETE BLOCK
- 1/17179869184" x 1/17179869184" CONCRETE BLOCK
- 1/34359738368" x 1/34359738368" CONCRETE BLOCK
- 1/68719476736" x 1/68719476736" CONCRETE BLOCK
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- 1/4398046511104" x 1/4398046511104" CONCRETE BLOCK
- 1/8796093022208" x 1/8796093022208" CONCRETE BLOCK
- 1/17592186044416" x 1/17592186044416" CONCRETE BLOCK
- 1/35184372088832" x 1/35184372088832" CONCRETE BLOCK
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- 1/4503599627370496" x 1/4503599627370496" CONCRETE BLOCK
- 1/9007199254740992" x 1/9007199254740992" CONCRETE BLOCK
- 1/18014398509481984" x 1/18014398509481984" CONCRETE BLOCK
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Mc LARNEY RESIDENCE 211 SOUTH AVE., SANTA CRUZ CA APN# 002-211-03		3.20.08 6.20.00 PLANS SHEET #2	Elevations	A3.0
GENERAL NOTES		MATERIAL LEGEND SHINGLES - GUMBLE WITH WHITE TRIM WOOD SIDING - REDWOOD/ALABAMA YELLOW CEDAR METAL ANGLES - 1/4" x 1/4" x 1/4" ANGLE CONCRETE - 3000 PSI METAL ROOF - 1/4" x 1/4" x 1/4" ANGLE		
GENERAL NOTES		GENERAL NOTES		

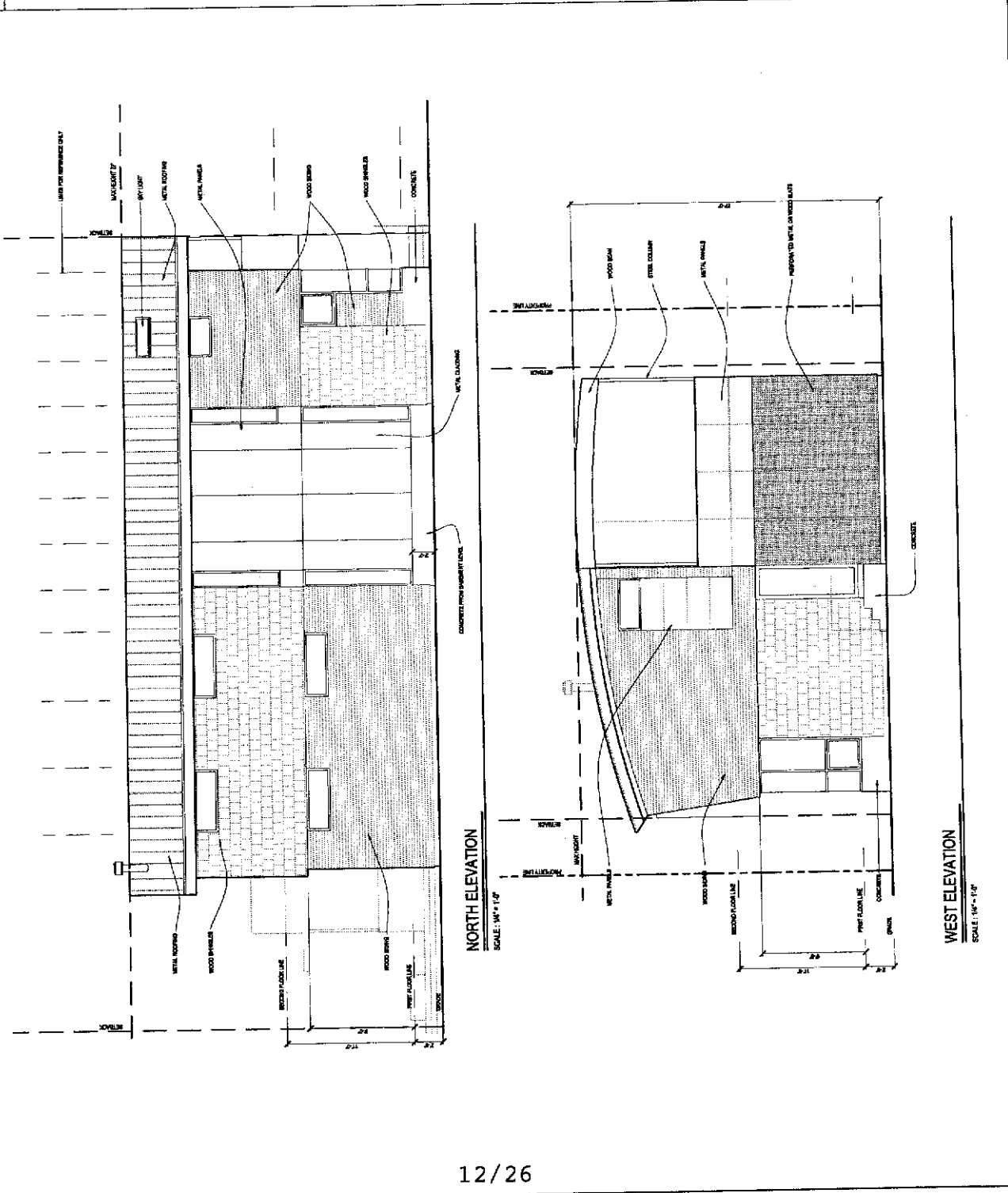


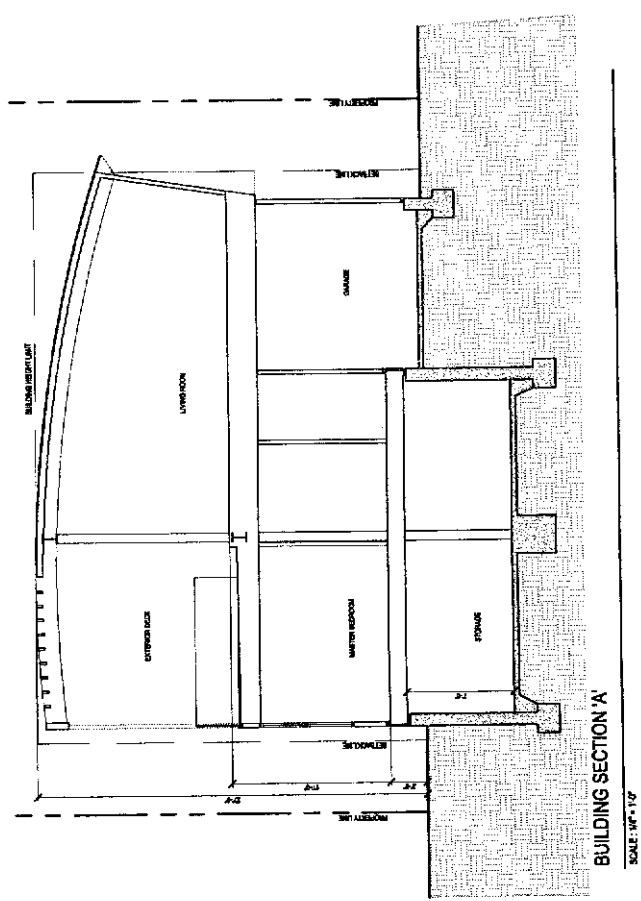
<div>  <p>Mc Larny - Portland</p> </div>		<p>211 30TH AVE., SANTA CRUZ, CA APR 08/2011 30</p>		<p>Mc LARNEY RESIDENCE</p>	
<p>Architect</p>		<p>Consultant</p>		<p>Owner</p>	
<p>GENERAL NOTES</p>		<p>DATE: 12/20/08 SHEET NO. 12 SHEET TOTAL: 12</p>			
<p>Elevations</p>		<p>A3.1</p>			

GENERAL NOTES

MATERIAL LEGEND

- SHINGLE: COASTAL MOUNTAIN
- WOOD SHALE: REDWOOD & SYPHON YELLOW OAK
- WOOD SHALE: 1/2" x 1/2" x 1/2" STEEL JOIST COATED METAL
- CONCRETE: 28 MPA FORTED WITH 4% STEEL FIBER
- METAL: 6061-T6 ALUMINUM



[illegible]

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), a designation that allows residential uses. The proposed single-family dwelling is a principal permitted use in 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 consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

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. The single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water and 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-1-4 (single-family residential, 4,000 square foot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single-family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (single-family residential, 4,000 square foot minimum) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district.

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 single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single-family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling 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 single-family dwelling is to be constructed on an existing developed lot that is currently developed with a single-family dwelling. No new traffic would be generated by the proposed project and thus the proposed project 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family dwelling is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed single-family dwelling will be of an appropriate scale and type of design that will complement 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, 11 sheets, prepared by Fuse Architects, Inc., dated 3/20/09 and as revised on 6/26/09.

- I. This permit authorizes the construction of a single-family dwelling. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. Comply with all requirements for demolition from the Monterey Bay Air Pollution Control District.
 - D. 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.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way. Building plans shall include the location of utility trenches. If cuts are required for utility trenches within 3 years of the 35th Avenue overlay (scheduled for September 09), the owner shall be responsible for the replacement of asphalt, plus additional trench cut repair fees.
 - F. Obtain a Grading Permit, if needed, from the Santa Cruz County Building Official.
 - G. 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 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 they were 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. Grading, drainage, and erosion control plans.
 3. 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.
 4. Details showing compliance with fire department requirements.
- 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.
- 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.
- F. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- G. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Currently, these fees are, respectively, \$847 and \$847 per bedroom.
- H. Provide required off-street parking for 3 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.

- I. 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.
 - J. The driveway shall conform to County Design Criteria standards, with details shown on the building plans. No concrete shall be allowed within the County right-of-way.
 - K. Complete and record a Declaration of Restriction to construct a non-habitable basement. **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. Prior to building permit approval, a plan review letter from the soils engineer shall be submitted that references the final revised building permit plans and states that they conform to the recommendations in the soils report.
 - D. A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing.
 - E. 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.

- B. All vegetation located within the County right-of-way along the frontage of the parcel shall be maintained year-round by the owner to avoid growth on County signs, encroachment into pedestrian pathways or obstruction of motorists' sight distance.
- 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.
-

Application #: 09-0136
APN: 032-211-33
Owner: Kevin & Katherine McLarney

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.

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

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: 09-0136

Assessor Parcel Number: 032-211-33

Project Location: 211 35th Avenue

Project Description: demolish an existing 2-story single-family dwelling with attached garage and construct a replacement 2,498 square foot 3-bedroom single-family dwelling

Person or Agency Proposing Project: Dan Townsend

Contact Phone Number: 831-479-9295

- 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 15303(a) New Construction

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

New construction of a single-family residence in a residential zone.

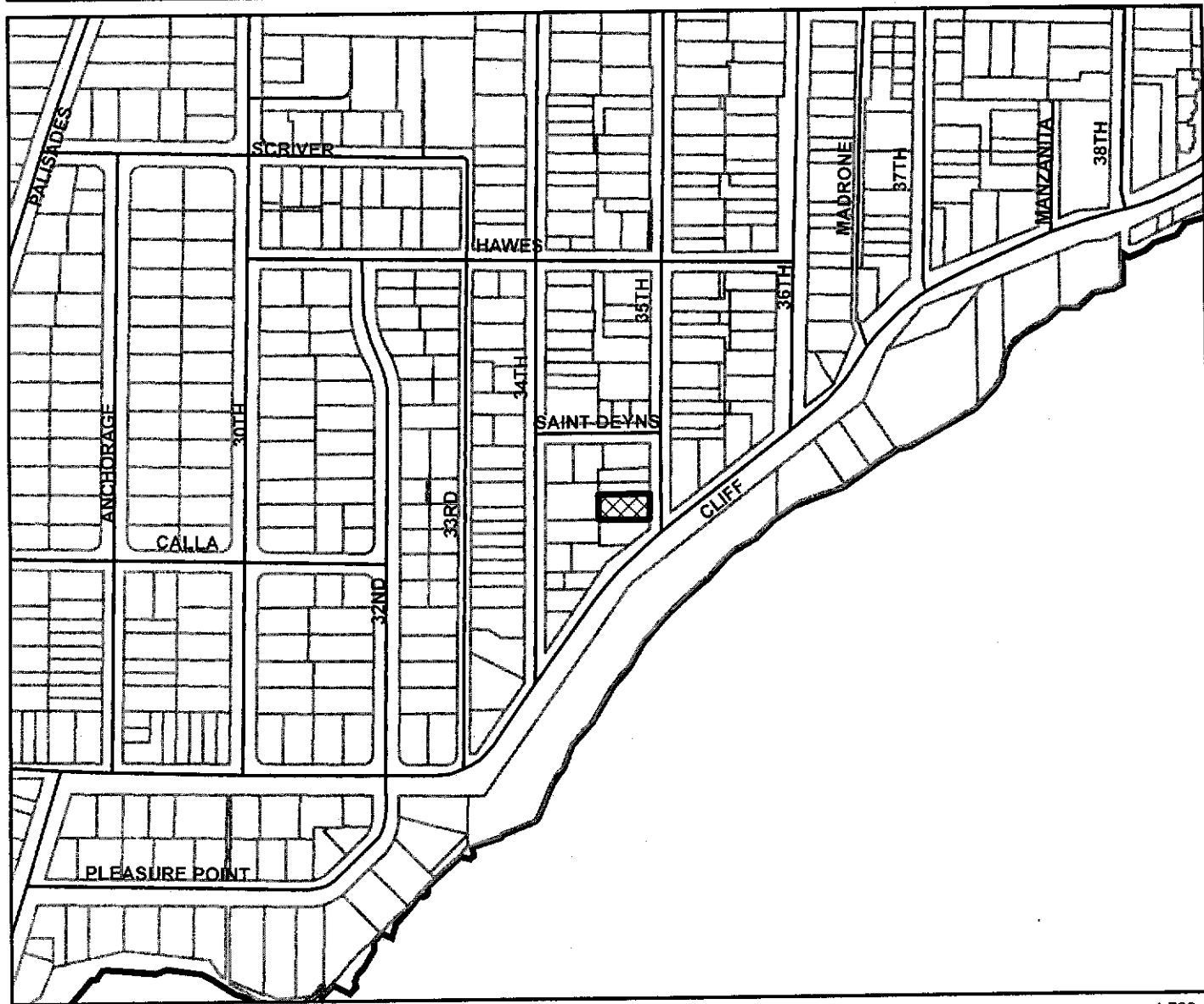
In addition, none of the conditions described in Section 15300.2 apply to this project.

Alice Daly, Project Planner





Date: _____

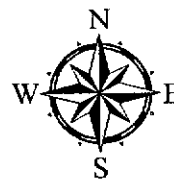


Location Map



LEGEND

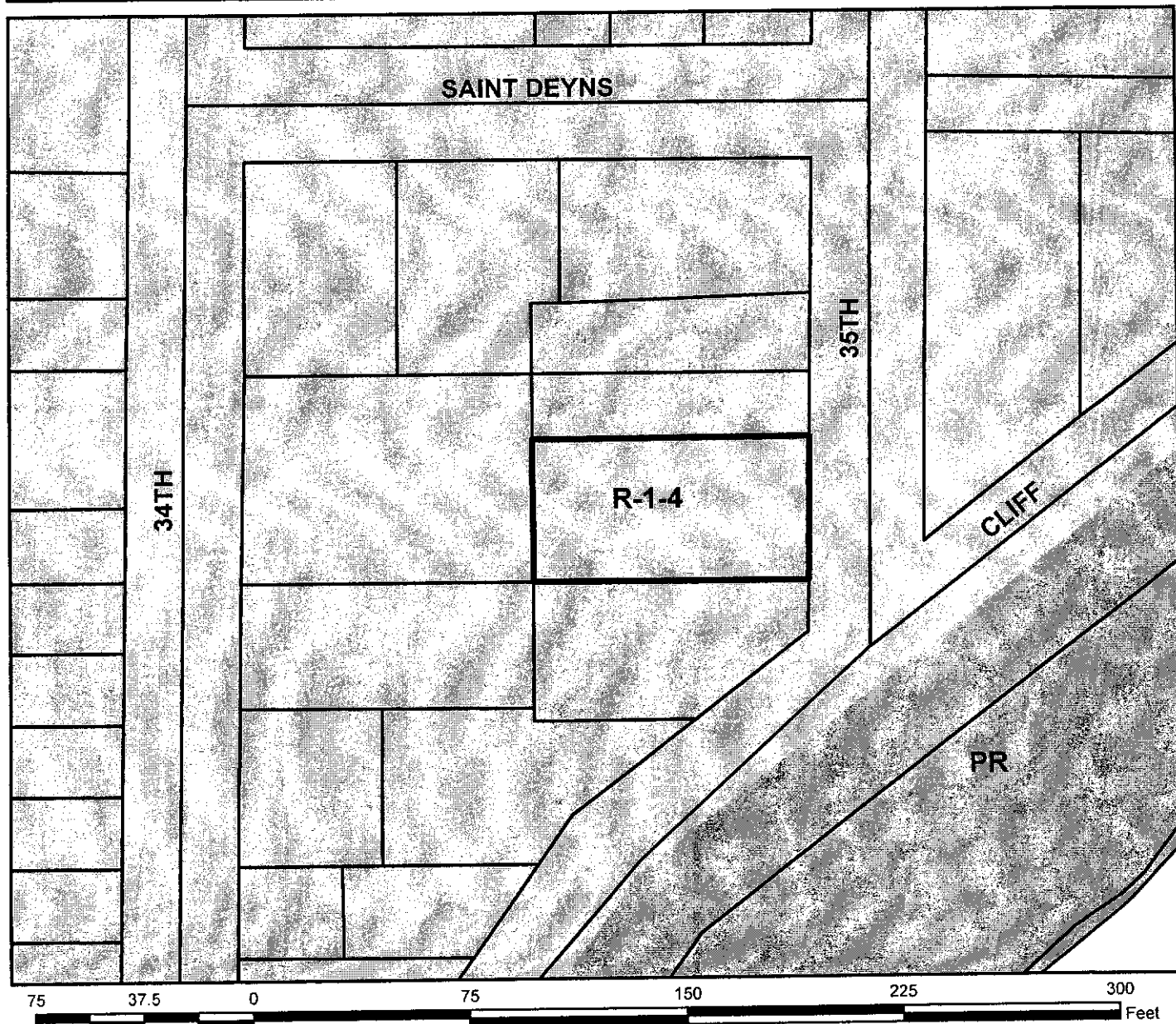
-  APN: 032-211-33
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
April 2009

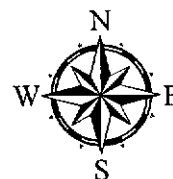


Zoning Map



LEGEND

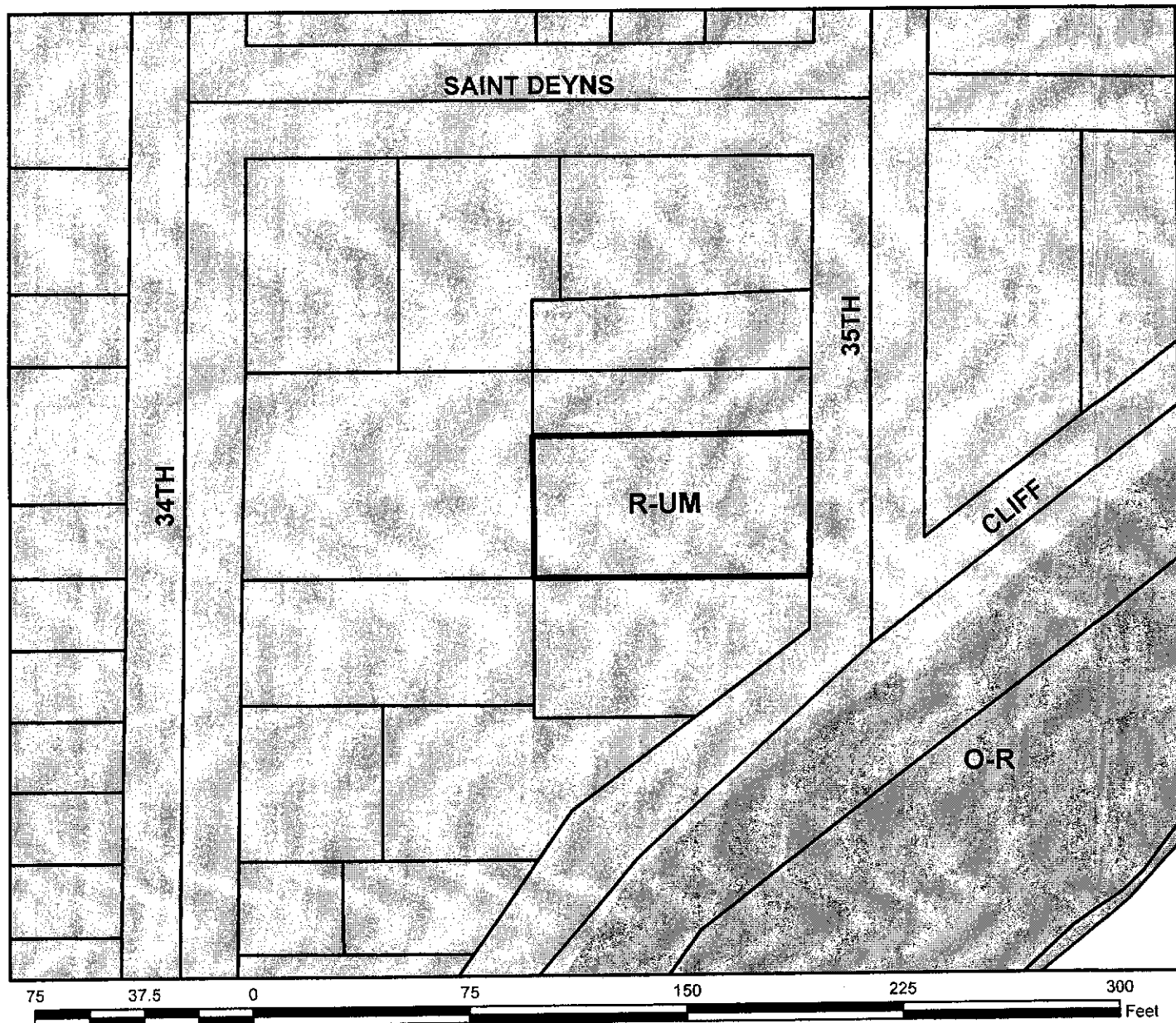
- APN: 032-211-33
- Assessors Parcels
- Streets
- County Boundary
- RESIDENTIAL-SINGLE FAMILY
- PARK



Map Created by
County of Santa Cruz
Planning Department
April 2009



General Plan Designation Map



LEGEND



APN: 032-211-33



Assessors Parcels



Streets



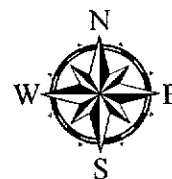
County Boundary



Residential - Urban Medium Density



Parks and Recreation



Map Created by
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Planning Department
April 2009