



## Staff Report to the Zoning Administrator

Application Number:  
**10-0088**

**Applicant:** Laura Livingston  
**Owner:** Archie E. Webber  
**APN:** 027-451-02

**Agenda Date:** September 3, 2010  
**Agenda Item #:** 1  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to add about three feet to an existing sound wall for a maximum height of eight (8) feet and to construct an approximately 10-foot tall arbor, both to be located within the rear yard setback.

**Location:** The property is located on the north side of Harbor Beach Court at 141 Harbor Beach Court.

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Residential Development Permit  
**Technical Reviews:** none

### Staff Recommendation:

- Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approve Application 10-0088, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	6,558 square feet
Existing Land Use - Parcel:	Multi-family residential
Existing Land Use - Surrounding:	Multi-family residential
Project Access:	From driveway off Harbor Beach Court
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)

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

Zone District: RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay)  
Coastal Zone:   x   Inside      Outside  
Appealable to Calif. Coastal Comm.      Yes   x   No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
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:   x   Inside      Outside  
Water Supply: City of Santa Cruz Water  
Sewage Disposal: County Sanitation  
Fire District: Central Fire District  
Drainage District: Zone 5

### History

The subject parcel was created under 99-0538, an approval for an 11-parcel subdivision, a Coastal Development Permit and a Residential Development Permit to construct a sound-attenuating wall adjacent to the Southern Pacific railroad tracks along the north perimeter of the property. Permit 04-0378 amended 99-0538 to allow for a significant tree removal. None of the 99-0538 Conditions of Approval conflict with the current over-height fence request.

The parcel is developed with a 2,295 square foot 2-story single-family residence built under Building Permit 0052792H, approved on August 9<sup>th</sup>, 2004. Permit 0070348C was approved on February 9, 2010 for a gas line to a backyard fire pit and electric lines to a backyard shed of less than 120 square feet.

### Project Setting

The proposed project is located in the Live Oak planning area east of the Santa Cruz yacht harbor. The property is located on a cul-de-sac (Harbor Beach Court) off of 7<sup>th</sup> Avenue that serves eleven other properties of similar size and design. The Southern Pacific Railroad tracks are immediately adjacent (north) to the owner's backyard, necessitating the existing sound wall at the north perimeter of the property.

The proposed addition to the existing sound wall, and new arbor and landscaping will not be readily visible off site and will be in harmony with the overall landscaping and improvements of the back

yard area of the property.

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

The subject property is a parcel of approximately 6,558 square feet, located in the RM-6-D zone district, a designation that allows residential uses. The proposed over-height fence and arbor are permitted uses within the zone district, and the zoning is consistent with the site's Urban Medium Residential General Plan designation.

The Conditions of Approval for 99-0538 (the subdivision that created the subject property) require a sound attenuation wall of at least 6 feet in height, but no maximum height is specified. The current request is consistent with 99-0538 Condition of Approval III.D.11, which requires all homeowners to keep the sound attenuation wall in good condition in perpetuity, and with II.E.3(b) that specifies that exterior finishes on the subdivision properties shall incorporate stucco and wood trim.

### **Local Coastal Program Consistency**

The proposed over-height fence and arbor are in conformance with the County's certified Local Coastal Program, in that they are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family and multi-family dwellings. The design submitted is consistent with the existing range of fencing and architectural styles in the area. 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 and the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed over-height fence and arbor added to an existing sound wall complies with the requirements of the County Design Review Ordinance in that the proposed project will incorporate design features such as a stucco finish, an open-lattice wood trellis and site-appropriate landscaping that are appropriate to the backyard setting. It will not be readily visible from off site, but will be complementary to surrounding land uses in its scale and design.

### **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(e), New Construction or Conversion of Small Structures, which covers construction of accessory (appurtenant) structures including fences.

### **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 **10-0088**, based on the attached findings and conditions.

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

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

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Santa Cruz County Planning Department  
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Santa Cruz CA 95060  
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## **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. Because of its location, the proposed over-height fence and arbor to be added to an existing sound wall will not deprive adjacent properties or the neighborhood of light, air, or open space, and because the fence and arbor will be along the rear property line adjacent to railroad right-of-way, the project will not have a negative impact to 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 with this discretionary approval, the proposed location of the over-height fence and arbor to be added to an existing sound wall and the conditions under which it would be maintained will be consistent with all pertinent County ordinances and the purpose of the RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay) zone district. The primary use of the property will be one single-family residence that meets all current site standards for the zone district with the approval of the subject over-height fence in the rear setback area.

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 over-height fence and arbor to be added to an existing sound wall is consistent with the use and density requirements specified for the Urban Medium Residential/Proposed Park/Harbor Special Community land uses designation in the County General Plan.

The proposed over-height fence and arbor to be added to an existing sound wall in the rear setback will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and with this discretionary approval all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) will be met. The proposed addition to the existing sound wall will not adversely shade adjacent properties, as it would be along the rear property line facing a railroad right-of-way, and with the discretionary approval of the subject over-height fence in the rear setback, all other current setback standards for the zone district will ensure access to light, air, and open space in the neighborhood.

The proposed over-height fence and arbor to be added to an existing sound wall in the rear setback 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 over-height fence and arbor to be added to an existing sound wall will comply with the site standards for the RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay) 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.

The proposed project is in the Harbor Special Community area, and its design and natural-appearing materials will be compatible with the stated design guidelines for the Harbor Special Community area.

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 over-height fence and arbor to be added to an existing sound wall is to be constructed on an existing developed lot. The proposed project will not generate any additional traffic and thus 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 fence extension and arbor is located in a neighborhood containing a variety of architectural styles, and the proposed project 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 over-height fence and arbor to be added to an existing sound wall in the rear setback will be of an appropriate scale and design that will enhance the aesthetic qualities of the surrounding properties and because of its location along a railroad right-of-way at the rear of the property will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: One sheet, dated 10/8/09, by Kathleen Shaeffer Design.

This permit authorizes the addition of approximately three feet to an existing sound wall for a maximum height of eight (8) feet and construction of an approximately 10-foot tall arbor, both to be located within the rear yard setback.

- I. 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.
- II. Prior to issuance of a Building Permit, the applicant/owner shall submit final plans for review and approval by 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.
- IV. Operational Conditions
  - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including

attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to this permit 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: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Alice Daly  
Project Planner

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 10-0088

Assessor Parcel Number: 027-451-02

Project Location: 141 Harbor Beach Court, Santa Cruz

**Project Description:** Proposal to add about three feet to an existing sound wall for a maximum height of eight (8) feet and to construct an approximately 10-foot tall arbor, both to be located within the rear yard setback.

**Person or Agency Proposing Project:** Laura Livingston

**Contact Phone Number:** 831-566-4878

- 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: Class 3 - New Construction or Conversion of Small Structures (Section 15303.e)

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

Construction of an accessory (appurtenant) structure (an over-height fence and trellis) in an area appropriate for such development and away from natural resources and/or constraints.

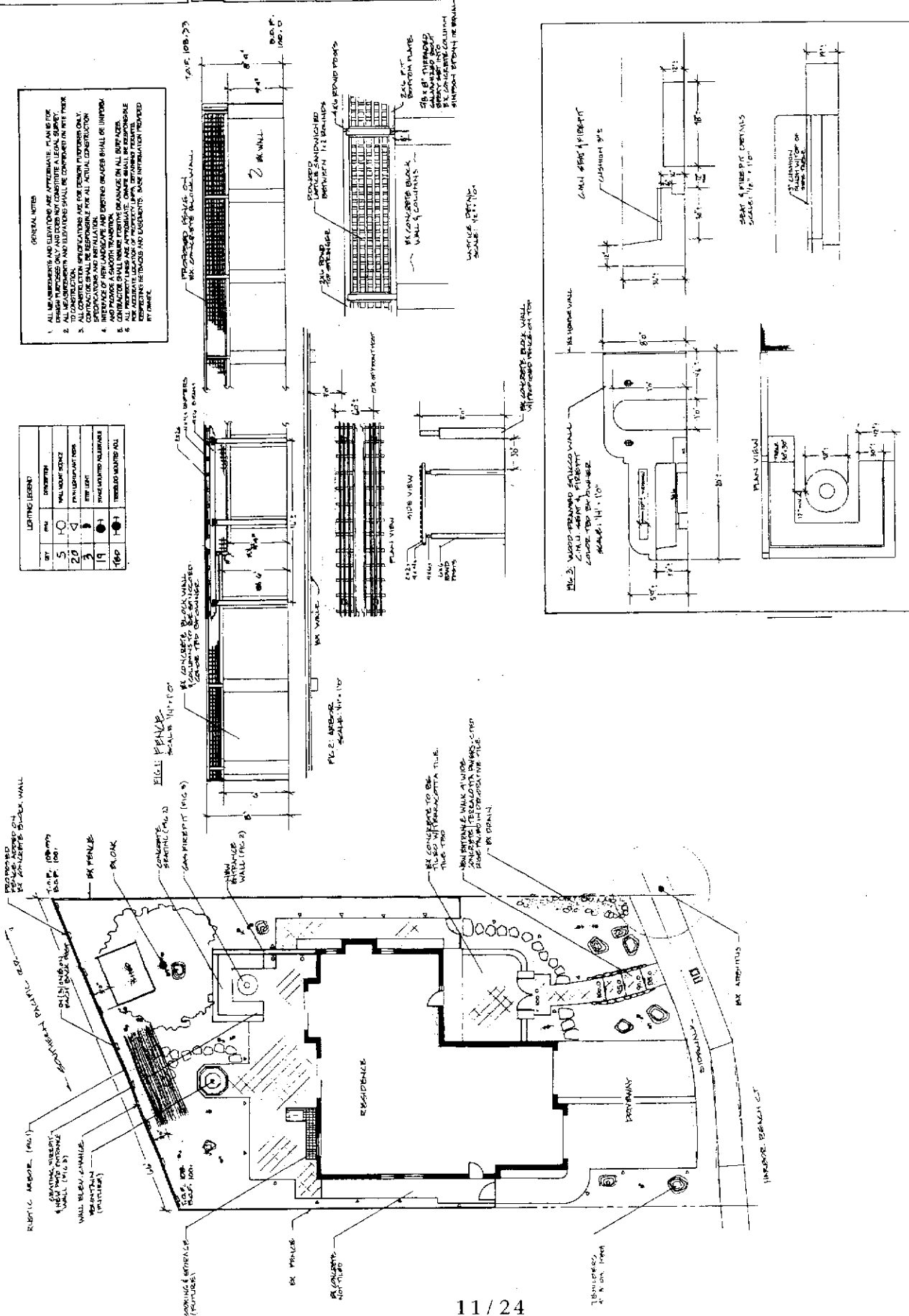
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Alice Daly, Project Planner

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

QTY	PRY	DESCRIPTION
5	10	WALL MOUNT SCISSOR
20	1	PAPER LUMINOUS MOUNT
3	1	STILL LIFE
19	1	STAGE MOUNTED REFLECTOR
160	1	TV MOUNTED MOUNTABLE
		THEATRE MOUNTED

1. ALL MEASUREMENTS AND ELEVATIONS ARE APPROPRIATELY ALIGNED TO THE DESIGN. MEASUREMENTS ONLY AND ELEVATIONS NOT CONSIDERED A LEGAL SURVEY.
2. ALL MEASUREMENTS AND ELEVATIONS SHALL BE COMPLETED ON THE PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION OPERATIONS ARE FOR DESIGN PURPOSES ONLY. CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINAL ACTUAL CONSTRUCTION OF THE PROJECT AND SHALL BE RESPONSIBLE FOR ANY VARIATION.
4. INTERFERENCE OF NEIGHBORHOODS AND EXISTING ROADS SHALL BE MINIMIZED AND PROVIDE A SMOOTH TRANSITION.
5. CONTRACTOR SHALL MINIMIZE TRAFFIC OBSTRUCTION ON ALL DIRT ROADS.
6. ALL PROPERTY LINES ARE APPROXIMATELY DETERMINED. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. CONTRACTOR SHALL EXPEDIENTLY RELOCATE AND REEVALUATE. BASE INFORMATION PROVIDED BY THE OWNER.



## **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 RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay), a designation that allows residential uses. The proposed over-height fence and arbor to be added to an existing sound wall in the rear setback is a principal permitted use within the zone district, and the zoning is consistent with the site's Urban Medium Residential/Proposed Park/Harbor Special Community 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 a similar urban density; the colors and materials that are proposed for the over-height fence and arbor added to an existing sound wall will be natural in appearance and complementary to the site and 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. Consequently, the over-height fence and arbor added to an existing sound wall 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. Residential uses are allowed uses in the RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay) zone district of the area, as well as the General Plan and Local

Application #: 10-0088  
APN: 027-451-02  
Owner: Archie E. Webber

Coastal Program land use designation. Developed parcels in the area contain single-family and multi-family dwellings. The design submitted is consistent with the existing range of fencing and architectural styles in the area.

## **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. Because of its location, the proposed over-height fence and arbor to be added to an existing sound wall will not deprive adjacent properties or the neighborhood of light, air, or open space, and because the fence and arbor will be along the rear property line adjacent to railroad right-of-way, the project will not have a negative impact to 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 with this discretionary approval, the proposed location of the over-height fence and arbor to be added to an existing sound wall and the conditions under which it would be maintained will be consistent with all pertinent County ordinances and the purpose of the RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay) zone district. The primary use of the property will be one single-family residence that meets all current site standards for the zone district with the approval of the subject over-height fence in the rear setback area.

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 over-height fence and arbor to be added to an existing sound wall is consistent with the use and density requirements specified for the Urban Medium Residential/Proposed Park/Harbor Special Community land uses designation in the County General Plan.

The proposed over-height fence and arbor to be added to an existing sound wall in the rear setback will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and with this discretionary approval all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) will be met. The proposed addition to the existing sound wall will not adversely shade adjacent properties, as it would be along the rear property line facing a railroad right-of-way, and with the discretionary approval of the subject over-height fence in the rear setback, all other current setback standards for the zone district will ensure access to light, air, and open space in the neighborhood.

The proposed over-height fence and arbor to be added to an existing sound wall in the rear setback 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 over-height fence and arbor to be added to an existing sound wall will comply with the site standards for the RM-6-D (Multi-family residential, 6,000 square foot minimum parcel size, Parks /Recreation overlay) 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.

The proposed project is in the Harbor Special Community area, and its design and natural-appearing materials will be compatible with the stated design guidelines for the Harbor Special Community area.

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 over-height fence and arbor to be added to an existing sound wall is to be constructed on an existing developed lot. The proposed project will not generate any additional traffic and thus 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 fence extension and arbor is located in a neighborhood containing a variety of architectural styles, and the proposed project 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 over-height fence and arbor to be added to an existing sound wall in the rear setback will be of an appropriate scale and design that will enhance the aesthetic qualities of the surrounding properties and because of its location along a railroad right-of-way at the rear of the property will not reduce or visually impact available open space in the surrounding area.

## Conditions of Approval

Exhibit A: One sheet, dated 10/8/09, by Kathleen Shaeffer Design.

This permit authorizes the addition of approximately three feet to an existing sound wall for a maximum height of eight (8) feet and construction of an approximately 10-foot tall arbor, both to be located within the rear yard setback.

- I. 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.
- II. Prior to issuance of a Building Permit, the applicant/owner shall submit final plans for review and approval by 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.
- IV. Operational Conditions
  - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including



attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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Minor variations to this permit 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: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Alice Daly  
Project Planner

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Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 10-0088

Assessor Parcel Number: 027-451-02

Project Location: 141 Harbor Beach Court, Santa Cruz

**Project Description:** Proposal to add about three feet to an existing sound wall for a maximum height of eight (8) feet and to construct an approximately 10-foot tall arbor, both to be located within the rear yard setback.

**Person or Agency Proposing Project:** Laura Livingston

**Contact Phone Number:** 831-566-4878

- 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: Class 3 - New Construction or Conversion of Small Structures (Section 15303.e)

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

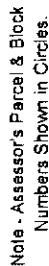
Construction of an accessory (appurtenant) structure (an over-height fence and trellis) in an area appropriate for such development and away from natural resources and/or constraints.

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

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

\_\_\_\_\_  
Alice Daly, Project Planner

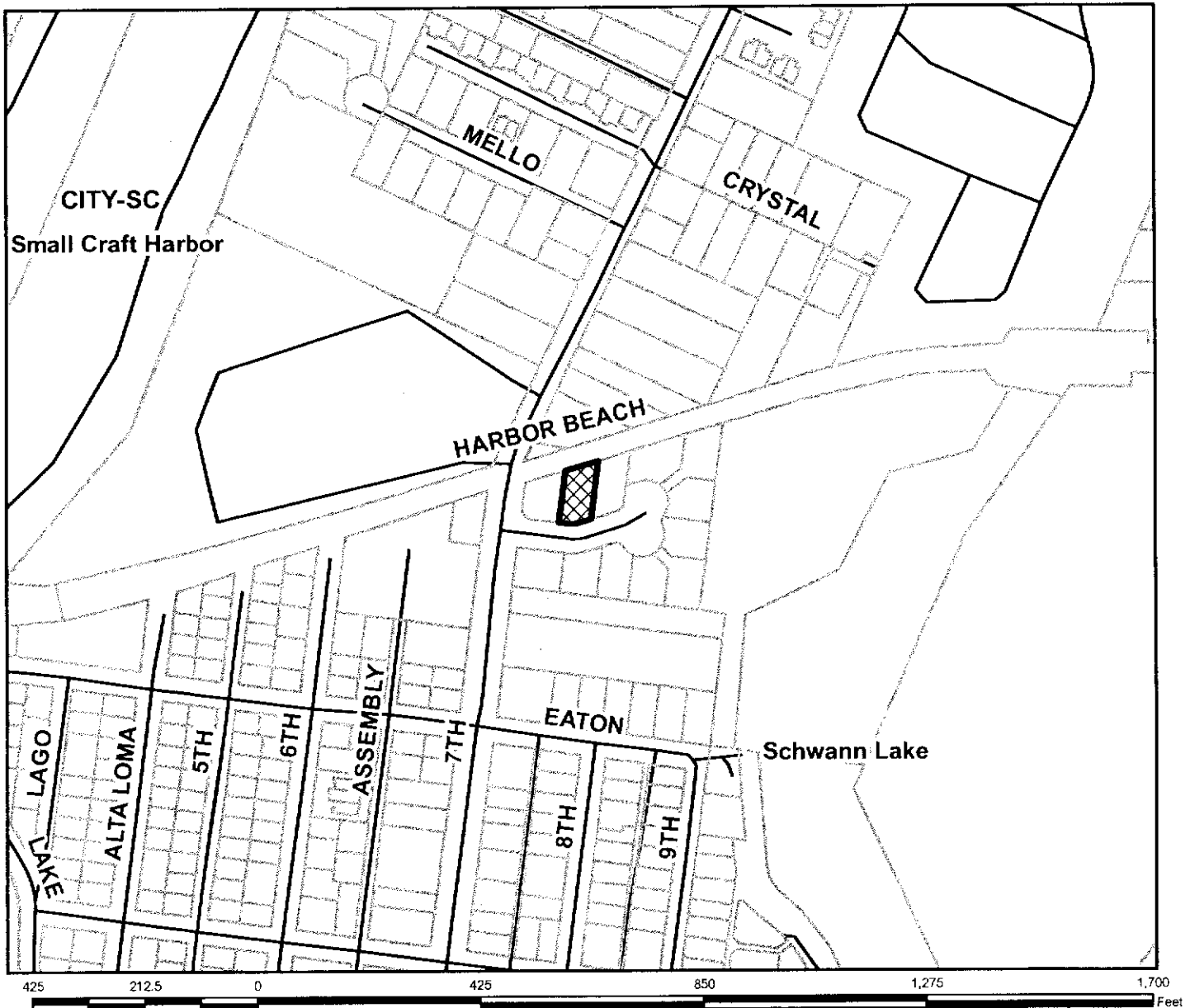
Electronically Redrawn 7/22/97 m  
REV 11/8/04 mvm (2or from pg 27-05)  
REV 11/8/04 mvm (105MB40, 1-01 to 13)  
REV 27/06 mvm (5-0090105, LBA 1-14 to 15)  
REV 7/13/06 CB (Res # 53-2006, Acq# 1-13)



Assessor's Map No. 27-45  
County of Santa Cruz, Calif.  
Oct. 1997



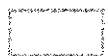
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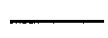
## LEGEND



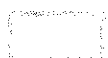
APN: 027-451-02



Assessors Parcels

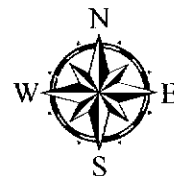


Streets



SANTA CRUZ

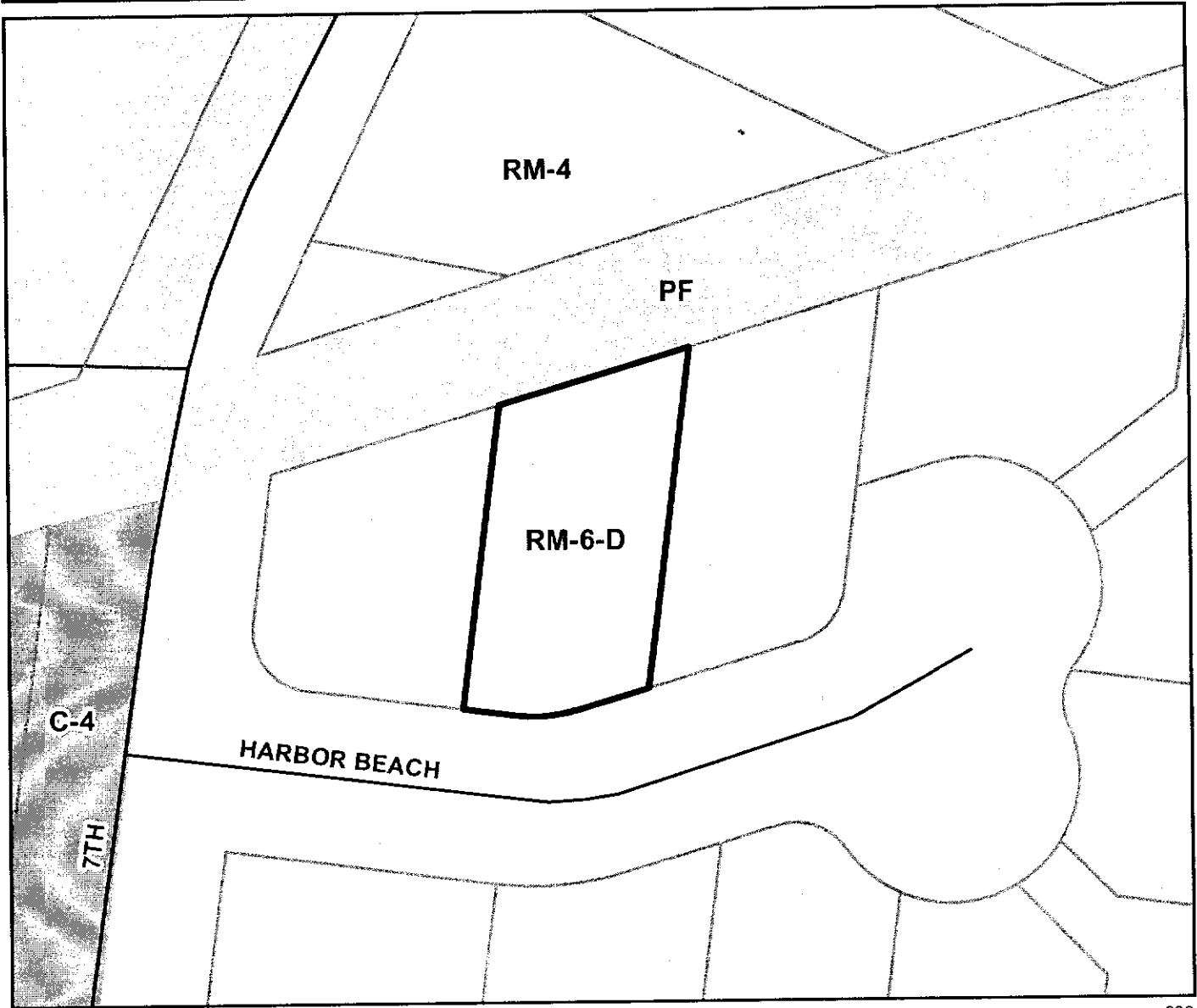
Lakes






Map Created by  
County of Santa Cruz  
Planning Department  
March 2010



# Zoning Map



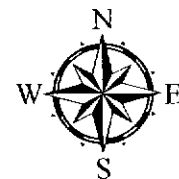
## LEGEND

-  APN: 027-451-02
-  Assessors Parcels
-  Streets

RESIDENTIAL-MULTI FAMILY

PUBLIC FACILITY

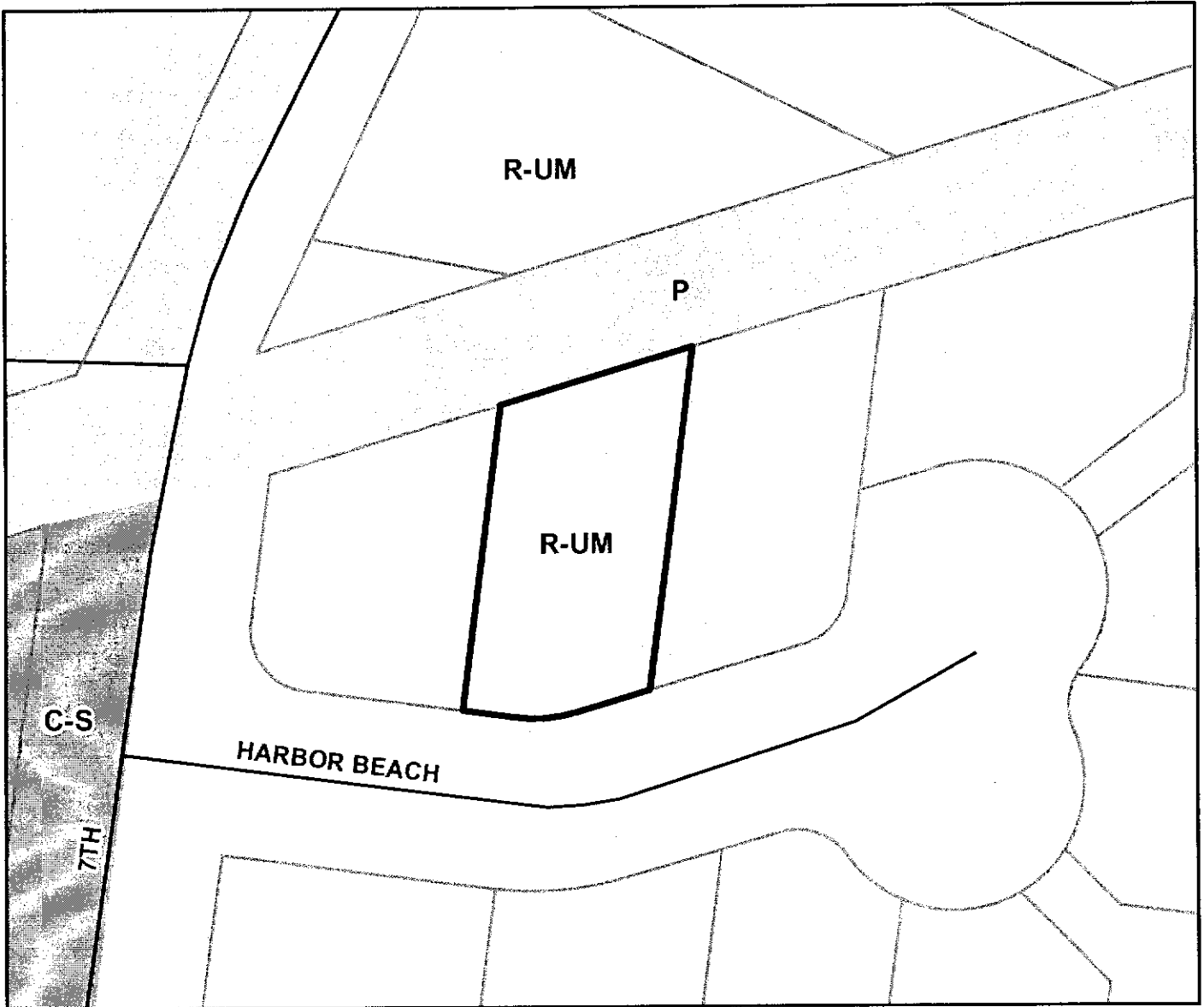
 COMMERCIAL-SERVICE









Map Created by  
County of Santa Cruz  
Planning Department  
March 2010

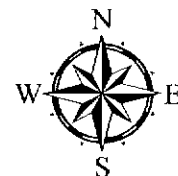


# General Plan Designation Map



## LEGEND

-  APN: 027-451-02
-  Assessors Parcels
-  Streets
-  Residential - Urban Medium Density
-  Public Facilities
-  Commercial-Service



Map Created by  
County of Santa Cruz  
Planning Department  
March 2010

# SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE INTERPRETATION

Interpretation No.: RES-CDP-02 (Residential Improvements Requiring Coastal Approvals)  
Effective Date: 03/01/10  
Originally Issued: (Replaces RES-CDP-01, issued 6/1/03)

## Question

*What improvements to an existing single-family residence in the Coastal Zone are exempt from the requirement for a Coastal Approval?*

## Applicable Ordinance Section(s)

13.20.068(a)

13.20.070 through 13.20.078

California Administrative Code Title 14, Section 13250

## INTERPRETATION:

The following table lists exempt and non-exempt work for single-family residences located outside the appealable area:

Exempt Work	Non-Exempt work
Additions of new enclosed and covered floor area less than 500 sq. ft. * to an existing building or a new attached carport less than 500 sq. ft. 13.20.068(a)(1)(i)	Additions of new enclosed and covered floor area 500 sq. ft. or greater* to an existing building or a new carport 500 sq. ft. or greater. 13.20.068(a)(1)(i)
A new building less than 500 sq. ft.*, including both non-habitable and habitable accessory structures, or new carport less than 500 sq. ft. 13.20.068(a)(1)(i), (v)(i)	Any new building or carport 500 square feet* or greater. A habitable accessory structure with a bathroom. Second units. 13.20.068(a)(1)(i), 13.20.068(a)(2)(i)
Demolition of structures other than buildings or carports, including decks and fences. Demolition less than 500 sq. ft. of a building or portion of a building.	Demolition of 500 sq. ft. or more of a building or portion of a building or carport.
Non-building improvements, such as swimming pools, fences, retaining walls and decks (attached, detached, enclosed and covered decks), and landscaping. 13.20.068(a)(1)(iii, iv)	
The replacement of existing legal water storage tanks, wells, or septic systems. 13.20.068(a)(1)(v)	The expansion of existing or the construction of new water wells or septic systems. 13.20.068(a)(2)(vi)
Conversions of non-habitable structures or portions of a structure to habitable structures or areas, including non-habitable attics to habitable areas, except for conversions to a second unit or adding a bathroom to a habitable accessory structure. 13.20.068(a)(2)(i)	Conversion of an existing structure to a second unit or to a habitable accessory structure with a bathroom. 13.20.068(a)(2)(i)
	Any proposed improvement, new structure, or alterations to an existing structure, where the existing structure or the additions and/or alterations are located within 50 feet of the edge of a coastal bluff, on a beach, wetland, or seaward of the mean high tide line. Any significant alteration of land forms on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff. 13.20.068(a)(2)(iii, iv, v)
	Any improvements where a previous Coastal Approval indicated that future improvements would require an Amendment or Coastal Approval. 13.20.068(a)(2)(ii)