



Staff Report to the Zoning Administrator

Application Number: **101084**

Applicant: Bill Kempf
Owner: Martin and Lois Torres
APN: 043-131-25

Agenda Date: 1/21/2011

Agenda Item #: 2
Time: After 10:00 a.m.

Project Description: Proposal to construct a two story 1,176 square foot non-habitable garage and storage building, a 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs. Requires a Variance to reduce the required front yard from 20 feet to around 0 feet and a Residential Development Permit for an accessory structure that exceeds the maximum 640 square foot size limitation and for a fence/trellis that exceeds 6 feet in height within the required front yard setback.

Location: Property located on the east side of Bay View Drive, at about 750 feet southeast of the intersection with Cliff Drive at 672 Bay View Drive, Aptos

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

Permits Required: A Variance and a Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101084, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	9,794 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Bay View Drive
Planning Area:	Aptos

Land Use Designation: R-UL (Urban Low Residential)
Zone District: R-1-6 (Single Family Residential)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 30% to greater than 50% at the project site
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: No significant drainage problems. Technical details regarding run-off from the proposed garage and deck areas are to be reviewed in detail with the Building Permit application for this project.
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

In 1976 application 76-1767-U was submitted for the construction of a single-family dwelling to a maximum average height of 30 feet by increasing the side yards to a minimum of 15 feet. Subsequently, Building Permit #51911 was issued to construct a 2 story single-family dwelling with 3 bedrooms, 2 bathrooms and deck area. No garage was constructed at that time. The existing dwelling on-site is substantially in accord with plans submitted for these permits.

Project Setting

The parcel is located on the side of a deeply incised arroyo that drains directly to the beach approximately 600 feet to the south. The land drops away sharply from Bay View Drive with slopes in excess of 50%, then levels out toward the rear of the lot. The existing dwelling is set back around 30 feet from the front property line, located down-slope from the street on gentler slopes that are between 15% and 30%. Currently there is parking provided for 2 cars on a small parking platform that is at street level. This platform has a small storage area below the rear half of the parking deck at the same level as the upper floor of the dwelling. The access to the house is via a flight of stairs and a bridge across to the upper floor of the house. Additional flights of stairs also access the lower floor and yard area.

The neighborhood in which the subject property is situated is comprised of mid-sized single-family dwellings, most of which have either attached or detached garages. Properties on the east side Bay View Drive that lie adjacent to the subject parcel, all have parking structures that are constructed to within 5 feet or less from the front property line due to steep slopes.



Neighborhood view looking south toward
672 Bay View Drive, APN 043-131-25.

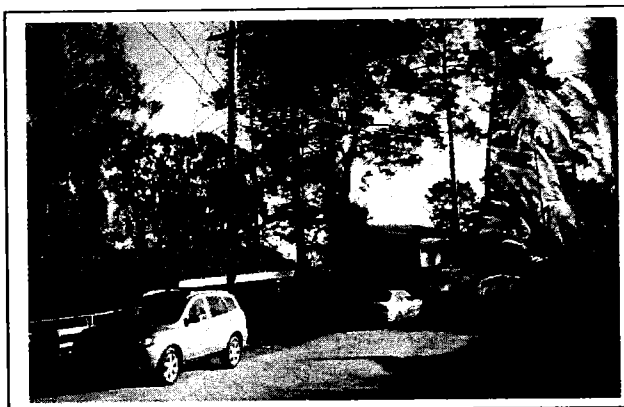


Existing parking pad and dwelling
on APN 043-131-25

Garages at both APNs 043-131-43, immediately to the north, and 043-131-12 to the south, were granted Variances to allow for the conversion of pre-existing carports to enclosed garages, both with a reduced front setback of 5 feet. Additionally, APN 043-131-20 to the south has a carport that is enclosed on three sides, and this was constructed in compliance with a Variance to reduce the 10 foot side setback, required at the time, to around 5 feet. Plans for the Variance show this structure set back 5 feet from the front property line. However, based upon the location of property corner markers placed during the site survey prepared for the garage that is the subject of this application, it appears that the plans submitted for this Variance were inaccurate and in fact the carport is located at or close to the front property line.



Garage on adjacent parcel to the north,
APN 043-131-43 with garage at 5 ft.
front setback as approved by Variance
97-0476



Carport and garage on adjacent parcels to the south
Garage on APN 043-131-12 approved with a 5 ft.
front setback by Variance 96-0388. Carport on
APN 043-131-12 approved by Variance 76-1438-V

Carport on adjacent parcel to the south, APN 043-131-12. View looking south from the existing parking deck on the subject property, APN 043-131-25. Property corner marked by orange tape.



Zoning & General Plan Consistency

The subject property is a parcel of approximately 9,794 square feet, located in the R-1-6 (Single Family Residential) zone district, a designation that allows residential uses, and this zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation. Garages and storage structures, entry decks and fences are principal permitted uses within a residential zone district.

Current site standards for the R-1-6 zone district require a minimum 20 foot setback to the front of a garage from any property line. On this parcel the lot slopes such that at the line of the required 20 foot setback, the natural grade is some 9 – 11 feet below the grade at the traveled roadway. Therefore a Variance approval is required subject to “Development standards for residential districts,” “Site and structural Dimensions”, section 13.10.323(b) and “Variance Approvals,” section 13.10.230 to allow for the construction of a garage with a reduced setback of between 0 and 2.5 feet from the property line. In addition, the size for a non-habitable accessory structure on a parcel located within the Urban Services Line is limited to a maximum of 640 square feet, as set forth in the Residential Uses Chart, section 13.10.323, unless a Residential Development Permit is approved for increased square footage. Further, a fence and trellis located within the required front yard is limited to 3 feet in height unless approved by a Residential Development Permit. The construction of the proposed 1,176 square foot non-habitable garage and storage building located at the front property line and a fence/trellis of 8 feet in height is therefore subject to review and approval by the Zoning Administrator.

The design of the proposed 2 story garage is such that the elevation of the structure as viewed from the street is only one story, with a maximum height of around 12 feet measured from the level of the adjacent traveled roadway. The proposed fence and trellis will be set back from the street between 13 and 18 feet back from the property line at the back of the proposed upper entry deck and are included for privacy to the deck area and dwelling below. Because it is set back the fence/trellis will not be visually intrusive. Further, the storage area below the garage and the lower entry deck will not be visible from public view and the total height of the structure will not exceed the maximum 28 foot height limit for the zone district. The parcel is situated on the outside of a curved portion of Bay View Drive and therefore neither the proposed garage or the fence/trellis will compromise public health and safety, since sufficient sight distance will be maintained. The face of the proposed garage will be a minimum of 5 feet from the nearest travel lane at the closest point.

Local Coastal Program Consistency

The proposed 2 story 1,176 square foot non-habitable garage/storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs are in conformance with the County's certified Local Coastal Program, in that the structures 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 dwellings that mostly have either an attached or detached garage or carport. The size of dwellings and the architectural styles vary widely in the neighborhood, and the design submitted for the proposed garage and storage building is not inconsistent with the existing range. The project site is located between the shoreline and the first public road, within the Appeals jurisdiction of the Coastal Zone. However, the property is within an area that has been classified as statutorily excluded from the requirements of the Local Coastal Program (LCP), therefore a Coastal Development Permit is not required for this development. In addition, the site 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.

Environmental Review

The proposed 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with 8 foot high trellis above, entry decks and stairs are categorically exempt from review under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines Section 15303, (Class 3) 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

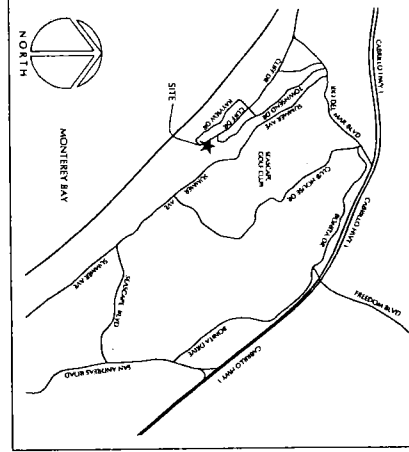
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **101084**, based on the attached findings and conditions.

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: Lezanne Jeffs
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
E-mail: lezanne.jeffs@co.santa-cruz.ca.us

VICINITY MAP

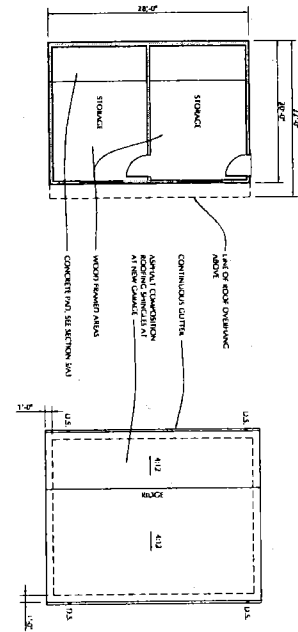


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STORAGE PLAN

3

CARAGE ROOF PLAN



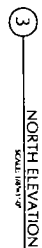
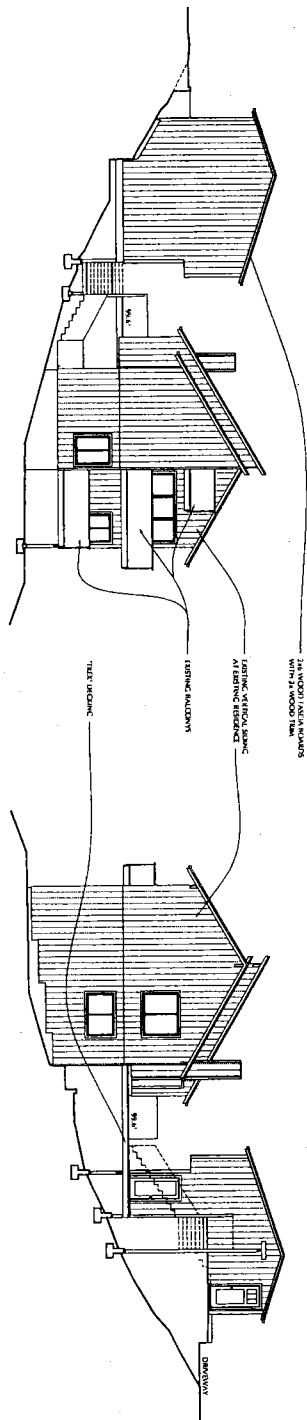
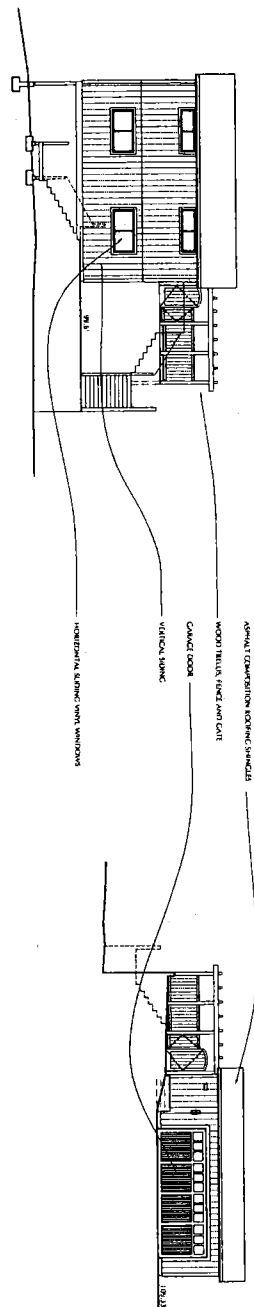
PROJECT DATA

APR:	04/13/13
LOT AREA:	9,794 SF
ZONING:	R-1.6
CONSTRUCTION TYPE:	TYPE V-B
OCCUPANCY:	GROUP R-3 A.U.
FIRE SPRINKLERS:	PER NFPA-13
EXISTING RESIDENCE:	HOUSE
PROPOSED:	CARAGE
FLOOR AREA RATIO:	4.33:1 SF OR 46% MAX. (30%)
LOT COVERAGE:	EXISTING: 1.93:1 SF OR 20% MAX. (40%) PROPOSED: 2.34:1 SF OR 24% MAX. (40%)
PROJECT DESCRIPTION:	CONSTRUCTION OF A NEW DETACHED TWO CAR GARAGE WITH STORAGE AREA BELOW, ON AN EXISTING LOT WITH AN EXISTING TWO STORY SINGLE FAMILY DWELLING

AREA CALCULATIONS

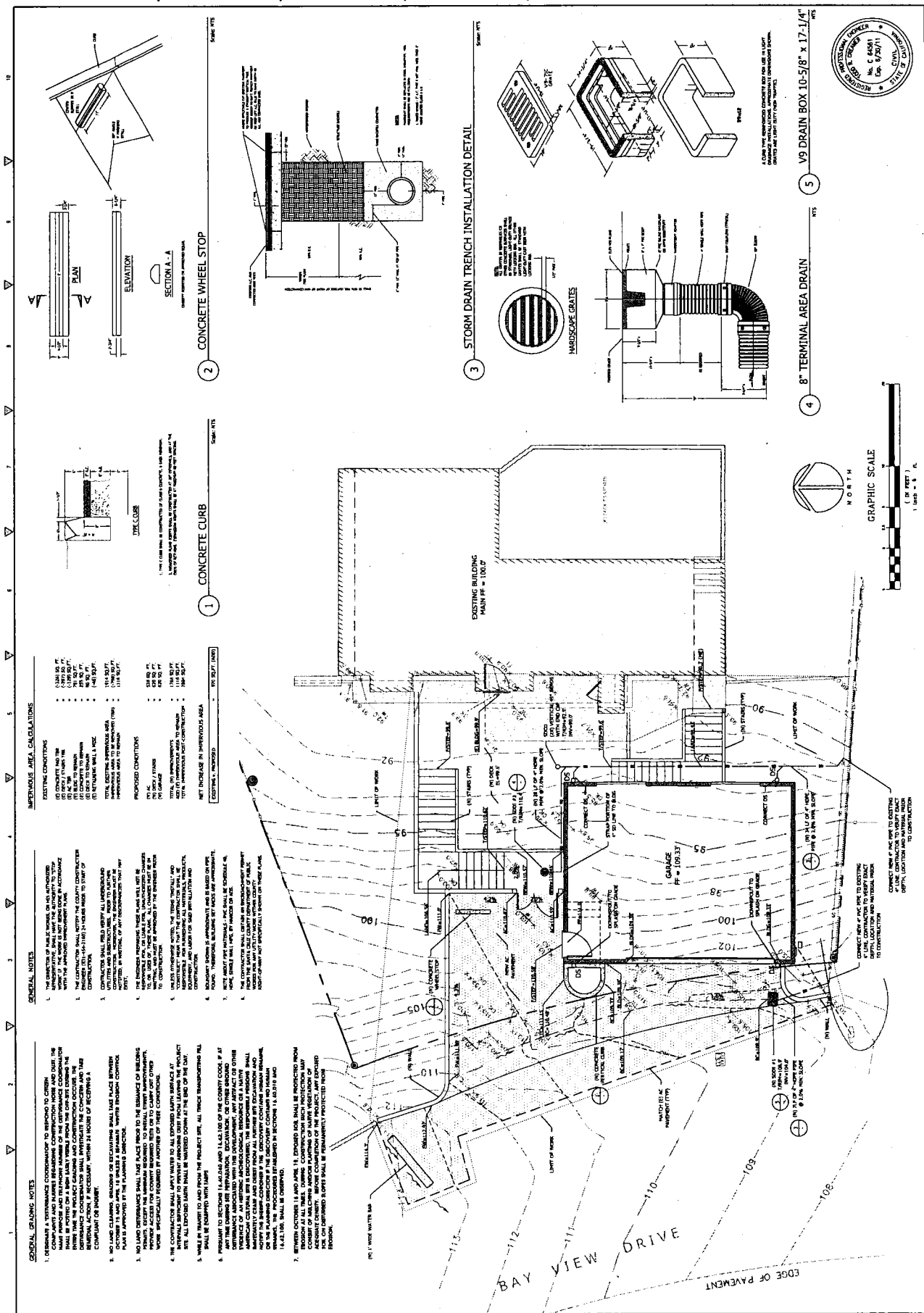
1. TOTAL GARAGE AREA	0.12
2. TOTAL EXISTING AREA	1.93
3. TOTAL LOT AREA	9.79
4. TOTAL COVERED AREA	2.05
5. TOTAL UNCOVERED AREA	7.74
6. TOTAL COVERED AREA OF ALL SITES	2.05
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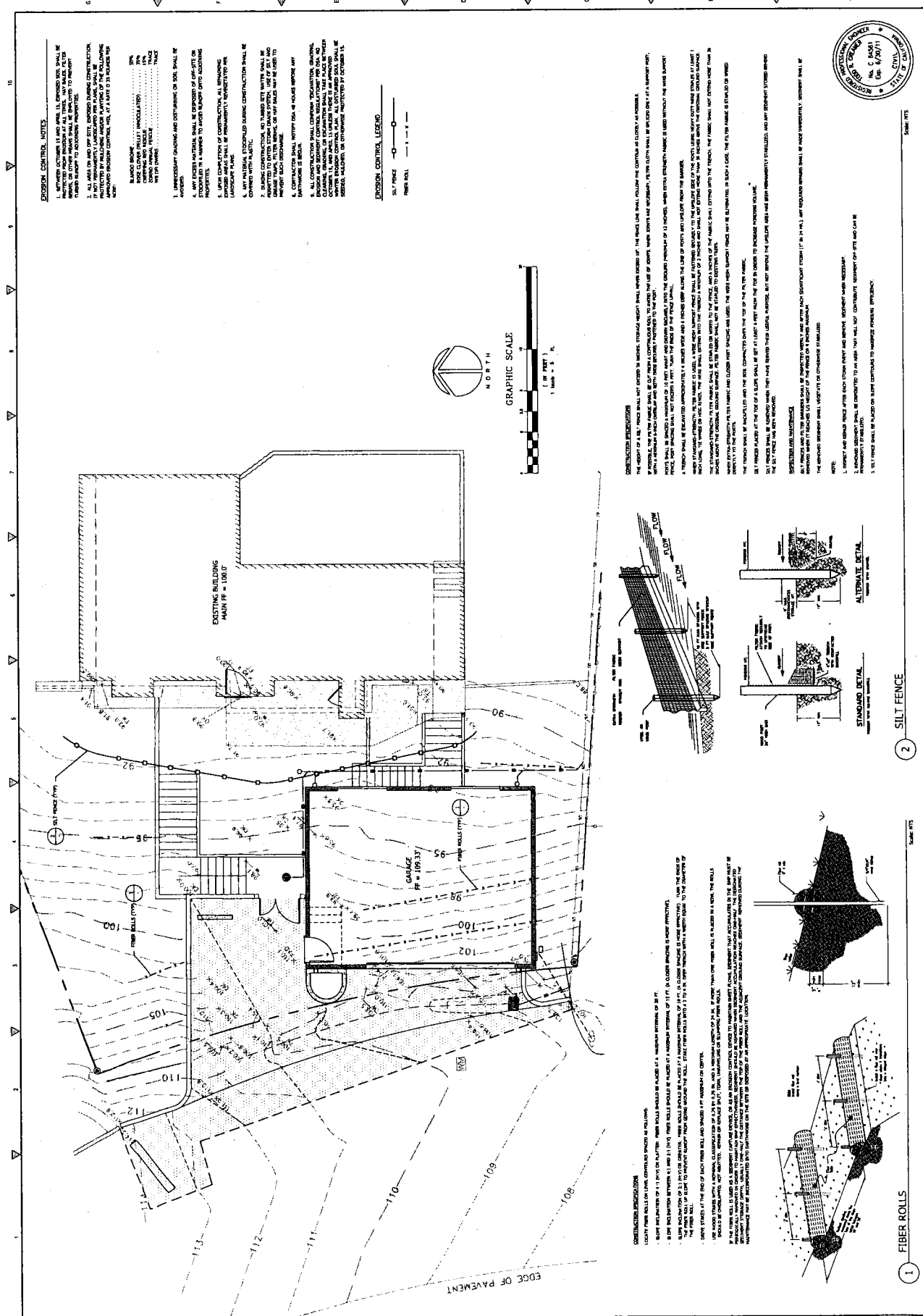
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DRAWING DATE:	OCTOBER 12, 2011
CONSTRUCTION SET:	
CLIENT NAME:	MARTIN & LOS TORRES
PROJECT NAME:	672 MAY VIEW DRIVE

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Variance Findings

1. **That because of the special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

This finding can be made, in that, the project is located in an area that is zoned R-1-6 (Single Family Residential), a designation that allows for residential uses. A garage is a principal permitted use within a residential zone district and the zoning is consistent with the site's (R-UL) Urban Low Residential General Plan designation. The special circumstance that applies to this lot is that, due to the location of the property on the side of a deeply incised arroyo, the lot is very steeply sloped. The land drops away directly from the street with slopes that are in excess of 50%, such that 20 feet into the parcel at the required setback line, the natural grade is between 9 to 11 feet below the level of the street. In order to have a level access to a garage from Bay View Drive the structure must be located at the front property line. A garage located at the required 20 foot front yard setback would be inaccessible to vehicles.

2. **That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property 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 encumbered by considerable physical constraints to development. The proposed 2 story garage/storage building and the entry deck and stairs will not deprive adjacent properties or the neighborhood of light, air, or open space in that the structure will not exceed 12 feet in height as measured from the level of the adjacent roadway and is located such that it will meet the required minimum side setbacks to the adjacent parcel to the south. The total height of the structure will not exceed the maximum 28 foot height limitation allowed in the zone district. In addition the garage will not be materially detrimental to public health safety and welfare or injurious to property or improvements in the vicinity in that the proposed garage is to be located on the outside of the a curve in the road and will therefore not impair sight lines along Bay View Drive.

3. **That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zone in which such is situated.**

This finding can be made, in that the granting of a Variance to the required 20 foot front setback will not constitute a grant of special privilege to this parcel, as other parcels in the vicinity have also been granted variances based on topography. APN 043-131-43 to the north of this parcel received a variance to reduce the required front setback to around 5 feet to allow for a carport to be enclosed as a garage (application 97-0476); APN 043-131-20 to the south of this parcel has received a variance to increase lot coverage (application 81-135-V) and a variance to permit construction of a carport within the side setback (application 76-1438-V) and shown on exhibit A as being located 5 feet from the property line (based upon recent survey information, it appears to have been constructed close to the front property line); and APN 043-131-12 received a variance to reduce the front setback to around 5 feet to enclose a carport to a garage (application 96-0338).

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. 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 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current side yard setbacks that ensure access to light, air, and open space in the neighborhood. The proposed garage and storage building will be located adjacent to a similar semi-enclosed carport structure that is located immediately to the south on APN 043-131-12 which has no windows on its north elevation where it faces the proposed structure. Further, the proposed garage/storage building does not exceed the maximum allowed height of 28 feet and will not exceed 12 feet in height as measured from the level of the street. In addition, the proposed garage and fence/trellis will not obstruct or impair site distance along Bay View Drive.

- 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 2 story 1,176 square foot non-habitable garage and storage building and 5 foot tall fence with decorative 8 foot high trellis above, and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single Family Residential) zone district. The primary use of the property will continue to be residential and a garage and storage building is a principal permitted use in the zone district. The location of the proposed structure meets all current site standards for the zone district except that, due to steep slopes, a Variance approval is required subject to section 13.10.230 to allow the structure to be constructed up to the front property line. Variance findings are included in this report and are on file and available for viewing at the Santa Cruz County Planning Department. The associated fence and trellis are required for privacy to the dwelling and proposed lower entry deck below, and are to be located at the back of the upper deck between 11 and 18 feet back from the property line. It would not be possible to locate the fence such that it complies with setbacks due to the steep slopes.

- 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 Low Residential (R-UL) land use designation in the

County General Plan.

The proposed 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs 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 2 story 1,176 square foot non-habitable garage and storage building, fence/trellis, entry decks and stairs will not adversely shade adjacent properties, and will meet current side yard setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed garage and storage building and associated decks, fencing and trellis 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 2 story structure will comply with the site standards for the R-1-6 zone district (including 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.

Further, the proposed structure meets all setbacks except that, due to the steep slopes at the front of the parcel, a variance is required to be approved to allow construction of the proposed garage to reduce the front setback to zero feet. However, as seen from the street the garage will be only one story tall and will be similar in appearance, scale and location to the carport and garages that have been constructed on the adjacent lots. Variance findings are included in this report.

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 2 story 1,176 square foot non-habitable garage and storage building 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs are to be constructed on an existing developed lot. The expected level of traffic generated by these structures will not change from the existing level of use and will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs are consistent with the land use intensity and density of the neighborhood. Further, properties in the immediate vicinity of the subject parcel have similar topographic constraints that have lead to the construction of similar parking and storage structures, also located close to the street. The proposed accessory structure will be visually similar to the garages and carport located on neighboring parcels.

- 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 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Architectural Plans (2 sheets) prepared by William Kempf, Architect, dated 10/12/10. Civil Engineering Plans (3 sheets) prepared by Todd R. Creamer for the C2G/Civil Consultants Group, Inc. dated 10/11/10.

- I. This permit authorizes the construction of a 2 story 1,176 square foot non-habitable garage and storage building, and a new entry deck and stairs. This approval does not confer legal status on any existing structures or existing uses 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. 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.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - F. 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. 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. A civil-engineered grading and drainage plan shall be required prior to building permit issuance that provides all grading quantities, shows existing and proposed contours, and includes cross-sections for clarification where necessary.
 3. Show the riparian buffer boundary as measured from the top of arroyo or dripline of trees (County Code Section 16.30.040).
 4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure. Maximum height is 28 feet.
 5. Details showing compliance with fire department requirements. The proposed structure is located within the Local Responsibility Area (LRA)
- 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. Upon approval the developer/property owner shall record a maintenance agreement for the future maintenance and inspection of the drainage system. This form is available at the Public Works office or online at:
<http://www.dpw.co.santacruz.ca.us/Storm%20Water/FigureSWM25.pdf>
A copy of the recorded agreement shall be provided to Public Works.
- E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
- F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer. Include a reference to the soils report and contact information for the geotechnical engineer on the project plans. A plan review letter will be required from the geotechnical engineer referencing the final revised plans and stating that

they conform to the recommendations in the soils report.

- G. Provide required off-street parking for a minimum of 2 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - H. Complete and record a Declaration of Restriction to construct a 2 story 1,176 square foot non-habitable garage and storage building. **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 report.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

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

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Application #: 101084
APN: 043-131-25
Owner: Martin and Lois Torres

Steven Guiney
Deputy Zoning Administrator

Lezanne Jeffs
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: 101084
Assessor Parcel Number: 043-131-25
Project Location: 672 Bay View Drive

Project Description: Proposal to construct a 2 story 1,176 square foot non-habitable garage and storage building, 5 foot tall fence with decorative 8 foot high trellis above, entry decks and stairs.

Person or Agency Proposing Project: Bill Kempf

Contact Phone Number: (831) 459 0951

- 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. X **Categorical Exemption**

Specify type: Class 3 - Construction or Conversion of Small Structures

F. Reasons why the project is exempt:

15303. New Construction or Conversion of Small Structures

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

Lezanne Jeffs, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

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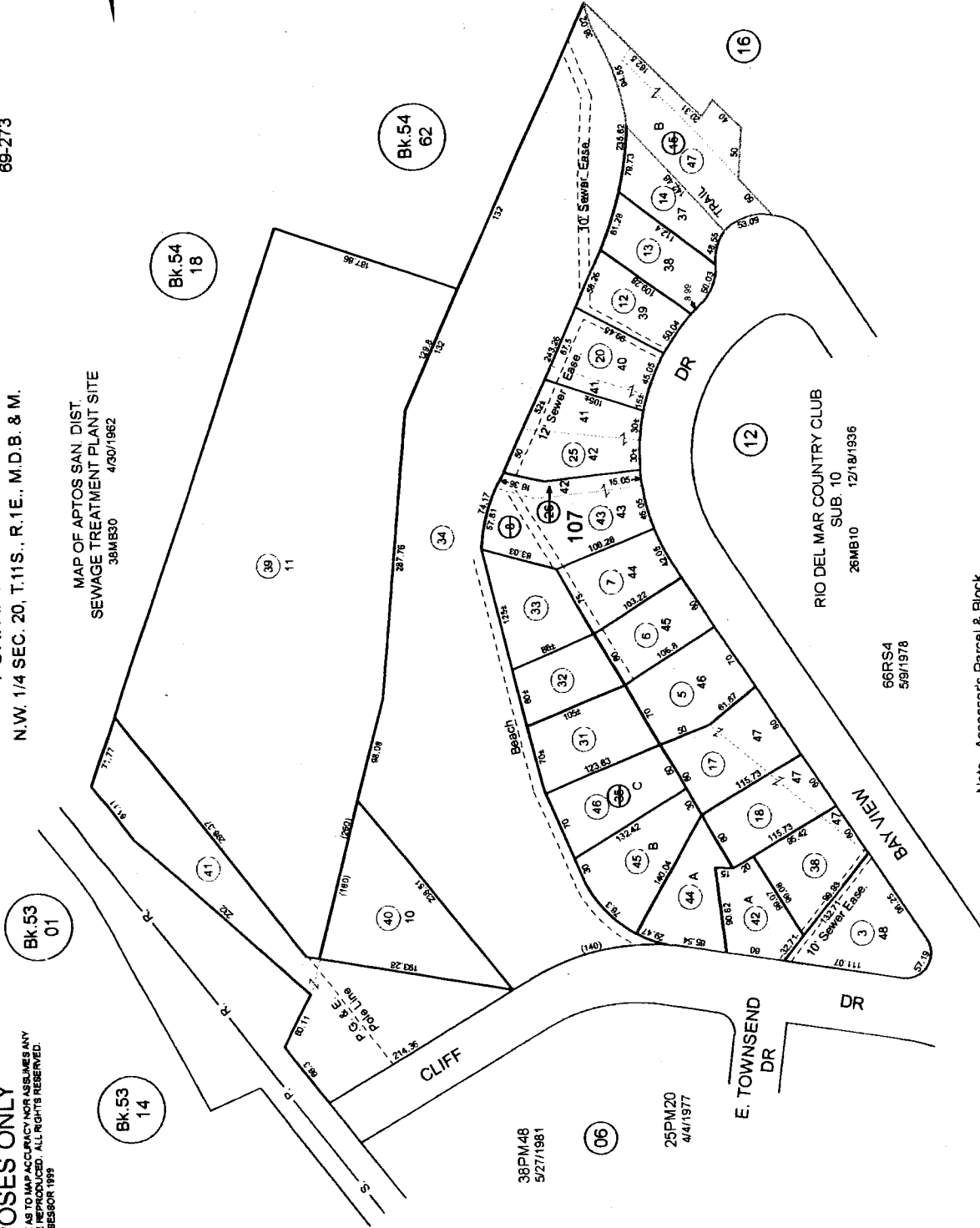
POR. APTOS RANCHO

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

Tax Area Code
69-273

43-13

MAP OF APTOS SAN DIST.
SEWAGE TREATMENT PLANT SITE
38MB30 4/30/1962



Assessor's Map No. 43-13
County of Santa Cruz, Calif.
Feb. 1999





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

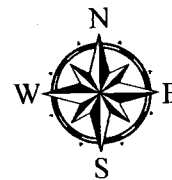


Location Map



LEGEND

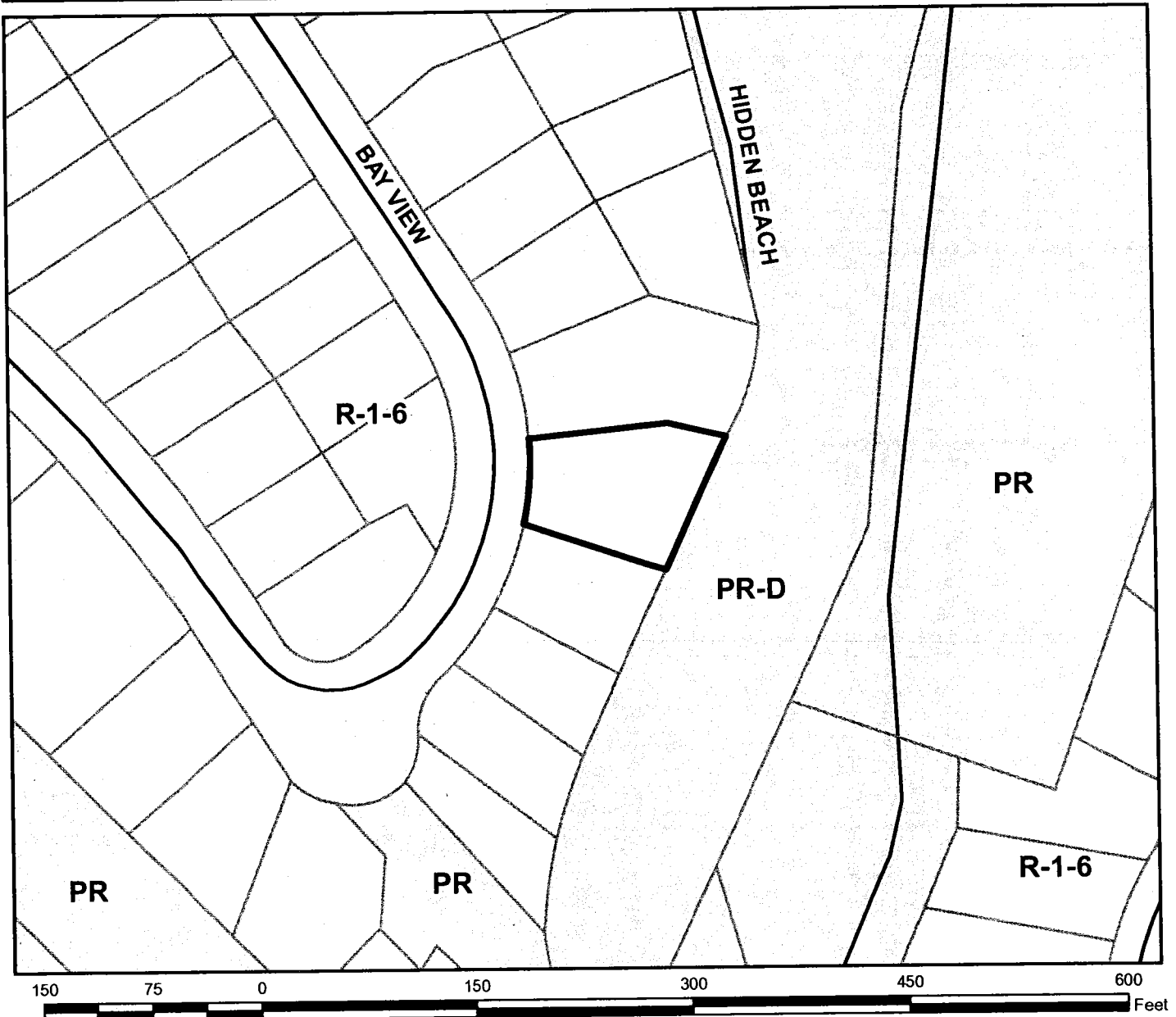
-  APN: 043-131-25
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by
County of Santa Cruz
Planning Department
October 2010



Zoning Map



LEGEND



APN: 043-131-25



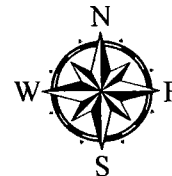
Assessors Parcels



Streets

RESIDENTIAL-SINGLE FAMILY

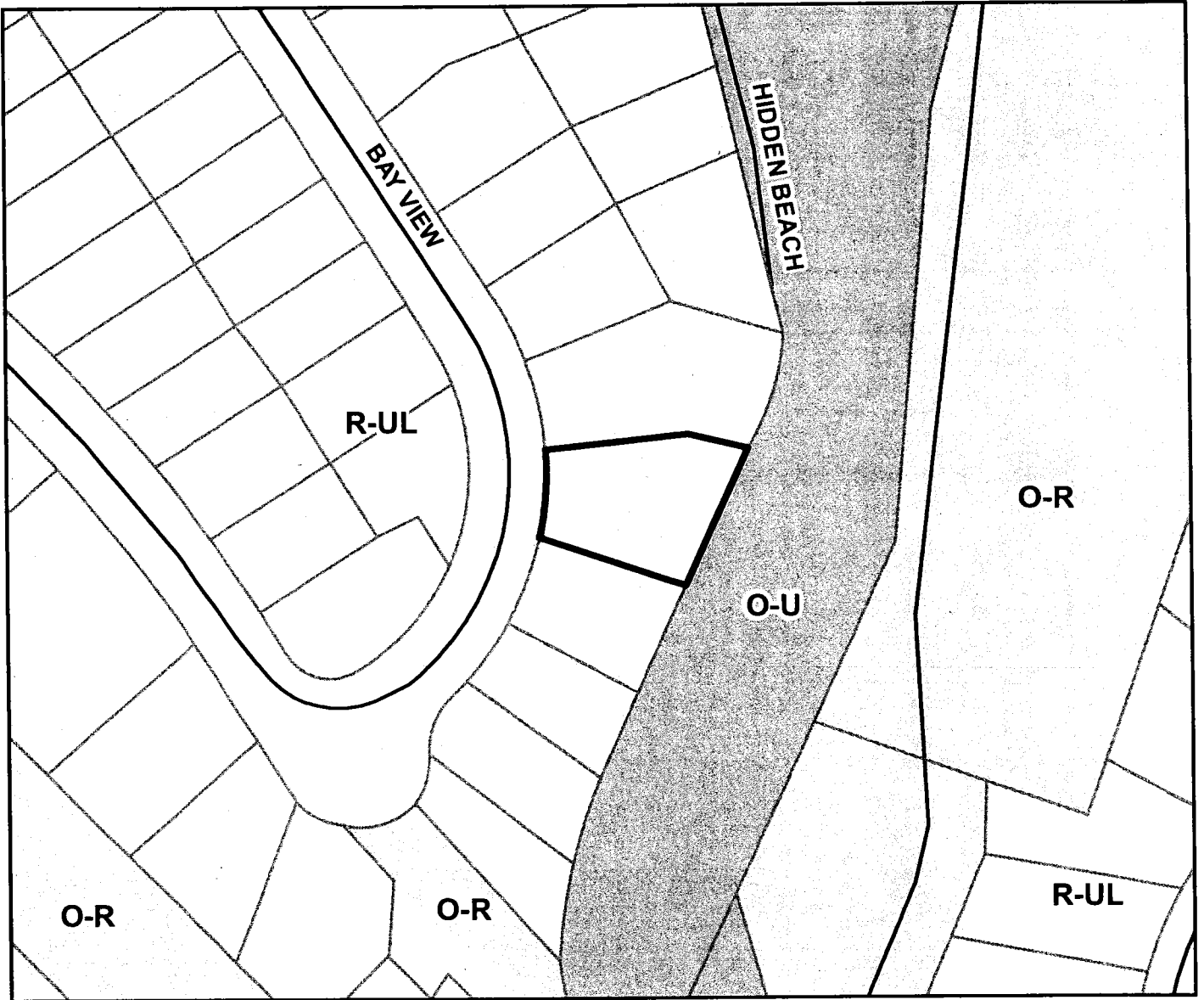
PARK



Map Created by
County of Santa Cruz
Planning Department
October 2010



General Plan Designation Map



150 75 0 150 300 450 600 Feet

LEGEND



APN: 043-131-25



Assessors Parcels



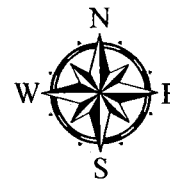
Streets

Residential - Urban Low Density

Parks and Recreation



Urban Open Space



Map Created by
County of Santa Cruz
Planning Department
October 2010

AGENCY COMMENTS

DRAINAGE: Contact Jerry Vargas. 454 2160

Compliance:

1. Where does the existing storm drain pipe discharge on the site? Are there any current drainage problems downstream? Indicate the offsite flow path and its capability to a point of safe disposal. Revision should demonstrate conclusively that runoff will not will not impact roads or downslope properties.
2. Sending additional storm runoff directly to the hillside will increase waterway runoff, which could increase channel or hillside erosion. Indicate the condition of the outfall.
3. If discharge locations occur near the parcel boundary, include information beyond the parcel boundary to clearly indicate the slopes and potential presence of other existing improvements. Where there is any likelihood of concentrated release of runoff beyond the parcel boundary, indicate the offsite flowpath and its capability to a point of safe disposal.

Miscellaneous:

Upon approval the developer/property owner shall record a maintenance agreement for the future maintenance and inspection of the drainage system. A copy of the recorded agreement shall be provided to Public Works. This form can be obtain online at:
<http://www.dpw.co.santacruz.ca.us/Storm%20Water/FigureSWM25.pdf> or picked up at the Public Works office.

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.07 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

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

Please call the Dept. of Public Works, Stormwater Management Section at 454 2160, from 8:00 am to 12:00 noon if you have questions.

DRIVEWAY ENCROACHMENT: Contact Dave Garibotti, 454 2160

Policy Considerations and Compliance Issues:

Please revise sheet A1 to conform to sheet C2.1. No concrete is allowed in the right-of-way.

Permit Conditions and Additional Information:

1. Driveway and approach to conform to County of Santa Cruz Design Criteria.
2. No restrictions may be placed on parking within the right-of- way.

ENVIRONMENTAL PLANNING: Contact Antonella Gentile, 454 3164

Conditions of Approval:

Prior to building permit issuance:

1. Show the riparian buffer boundary as measured from the top of arroyo or dripline of trees (County Code Section 16.30.040).
2. Clearly label all new and existing retaining walls on the project plans. Provide top-of-wall and bottom-of-wall elevations at wall ends and at each point of transition.
2. Provide a soils report prepared by a licensed geotechnical engineer for review and acceptance by Environmental Planning (See Guidelines: <http://www.sccoplanning.com/pdf/env/soilsguidelines.pdf>).
3. Include a reference to the soils report and contact information for the geotechnical engineer on the project plans.
4. A plan review letter will be required from the geotechnical engineer referencing the final revised plans and stating that they conform to the recommendations in the soils report.
5. A grading permit is required for this project and shall be applied for with the building permit (County Code Section 16.20.040).
6. A civil-engineered grading and drainage plan shall be required prior to building permit issuance that provides all grading quantities, shows existing and proposed contours, and includes cross-sections for clarification where necessary.

APTOS LA SELVA FIRE DISTRICT: Contact Jim Dias, 685 6690

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

- Any other requirements will be addressed in the Building Permit phase.
 - Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.
-