



Staff Report to the Zoning Administrator

Application Number: **111339**

Applicant: Brian Aced, DeMattei
Construction, Inc.

Agenda Date: May 4, 2012

Owner: Doug and Margo Lynn
APN: 028-171-09

Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to construct a two-story single family dwelling. Requires a Coastal Development Permit and a Variance to reduce the required rear yard setback from 15-feet to 5-feet, and a Variance to reduce the required 20-foot garage setback to 18-feet.

Location: Property located on the northwest corner of E. Cliff and 20th Avenue (no situs currently but likely to become 213 20th Ave.).

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

Permits Required: Requires a Coastal Development Permit and a Variance to reduce the required rear yard from 15-feet to 5-feet, and a Variance to reduce the required 20-foot setback to the garage from 20-feet to 18-feet.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111339, 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: 2,288 square feet
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Single-family dwellings

Project Access: 20th Ave.
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Residential)
Zone District: R-1-4 (Single-Family Residential – 4,000 sq ft minimum lot size)
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: 0-15%
Env. Sen. Habitat: Mapped Zayante Band-winged grasshopper; however no habitat on site
Grading: 60 cubic yds, excavated, 14 cubic yds. as embankment
Tree Removal: 3 fruit trees 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: Public
Sewage Disposal: Public
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

The subject parcel appears to have been legally created in 1891 as part of the Santa Maria del Mar Subdivision. The parcel is currently vacant and has been used as an extended front or side yard for the adjacent residence, which is owned by the same couple. The lot is 2,288 square feet in area. According to County Assessor's records, the existing single-story dwelling that occupies the adjacent site to the north (owned by the same couple) was constructed in 1961.

Project Setting

The subject parcel is 2,288 square feet in area (50.85' x 45') and is undeveloped except for landscaping including a small rock-lined pond. The lot is flat and is located within the Live Oak Planning Area. The surrounding neighborhood is characterized by one and two-story single family dwellings. With the exception of the lot adjacent and to the north of the subject site, the subject lot is roughly half the size of the other residential lots in the neighborhood. Twentieth Avenue, a County-maintained street, provides access to the property.

Proposed Project

The applicant proposes to construct a 1,365 square foot, two-story, 2-bedroom/2-bathroom single-family dwelling, with an attached one-car garage. There will be two additional off-street parking spaces outside the garage, for a total of three spaces including the one in the garage, as is required for a two bedroom dwelling. The proposed ground floor represents a lot-coverage of approximately 34%, well below the 40% lot coverage allowed. The proposed dwelling will conform to the side yard setbacks and FAR requirements, but will require a Variance for a proposed reduction in the rear yard setback from the required 15-feet to 5-feet and a reduction in the distance from the edge of the lot to the garage door from the required 20-feet to 18-feet.

As part of the project, approximately 60 cubic yards are proposed to be excavated, and approximately 14 cubic yards of that amount are proposed to be retained on site as new embankments. Three small fruit trees and several shrubs are proposed to be removed. A small existing rock lined pond will be also be removed and new landscaping added.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 2,288 square feet, located in the R-1-8 (Single-family residential – 8,000 square foot minimum lot size) zone district, a designation, which allows residential uses. The proposed dwelling is a principal permitted use within the zone district and the project is similarly consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

Per County Code Section 13.10.552(a), the development is required to provide a total of three on-site parking spaces. The proposed garage accommodates one space, while the two additional required spaces are located in the driveway outside the garage.

Local Coastal Program Consistency

The proposed single-family dwelling and attached garage 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 of one and two story construction. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Variance

In order to accommodate the lot coverage restrictions and to provide a reasonably sized dwelling on this substandard lot, the new dwelling will require a variance to encroach 10 feet into the rear yard setback and to decrease the required garage setback, from 20 feet to 18 feet. As previously stated, the lot is a legally conforming 2,288 square foot site, about half of the size of the majority of the surrounding parcels in the neighborhood and *less* than half of the required minimum lot size

for the zone district (R-1-8). It is not feasible to construct a modestly sized dwelling on a lot that is only 45-feet deep, given the 10-foot front and 15-foot rear yard required setbacks. Additionally, the garage setback is required to be a minimum of 20 feet. A variance is required in order to reduce the required garage setback from 20 feet to 18 feet and to reduce the rear yard setback from 15 feet to 5 feet, in order to provide a minimal 551 square foot ground-level footprint.

While the dwelling will not comply with the 15-foot rear yard setback, it should still provide the neighboring property to the west ample access to light and air as well as privacy. It should be noted that the rear yard of the subject property abuts the side yard of the lot to the west; therefore the western dwelling is located to within 5 feet of the shared property line and the proposed new dwelling will be setback the same distance from that property line. The height of the new building is 24' - 3", which is less than the 28-foot maximum height allowed in this location. Therefore, the impact of the building height on the rear neighbor is expected to be minimal. The required 20-foot garage setback is not feasible on the subject property given the 45-foot lot depth. The 18-foot proposed setback is needed to accommodate the on-site parking requirements.

Environmental Review

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

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 111339, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project. The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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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-1-8 (Single-Family Residential – 8,000 square-foot minimum parcel size), a designation which allows residential uses. The proposed replacement dwelling is a principal permitted use within 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 shall 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. Consequently, the proposed dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-8 (Single-Family Residential – 8,000 square foot minimum parcel size) zone district of the area, as well as the General Plan and Local Coastal

Program land use designation. Developed parcels in the area contain one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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.**

The project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to ensure optimum safety and conservation of energy and resources. The proposed dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space. A variance is included in this application in order to reduce the required rear yard and garage setbacks to accommodate a modestly sized dwelling on a substandard lot. Given the required setbacks and the 45-foot lot depth, a dwelling would not be feasible on this property without variances to site standards for the R-1-8 zone district.

- 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.**

While the existing legal parcel of record is substandard with respect to parcel size under the R-1-8 (Single-family residential – 8,000 square foot minimum lot size) zone district, the proposed residential development is similar to what exists in the surrounding neighborhood. The proposed degree of encroachment into required setbacks will be not significantly impact neighboring structures, in that the rear yard of the subject property abuts the side yard of the lot to the west; therefore the western dwelling is located within 5 feet of the shared property line, and the proposed dwelling will be setback the same distance from that property line. The proposed house will comply with required lot coverage and Floor Area Ratio.

- 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.**

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the replacement dwelling will not adversely shade adjacent properties. The new structure will comply with the required lot coverage and floor area ratio, and will provide the required on-site parking.

The proposed residential development 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, other than the garage and rear yard setback, the proposed residential addition complies with the site standards for the R-1-8 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. The proposed dwelling is very modest in size and the variances are necessary to provide economic use of the legal parcel. Due to the size of the subject parcel, the proposed design and configuration is the most feasible and

least impactful to the surrounding neighborhood.

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 small 2-bedroom house will be initially occupied by one couple only, and will generate only a slight increase use of utilities and a negligible amount of increased traffic. Even if in the future the house is more fully utilized (i.e., occupied by more than 2 drivers), being a small two-bedroom house it will not significantly increase traffic in the 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 residential development is located in a mixed neighborhood containing a variety of architectural styles, and the construction is consistent with the land use intensity and density of the neighborhood. The proposed house complements the relationship among the dwellings in 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 dwelling 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. The size, scale, and location of the proposed development is consistent with the surrounding properties in the neighborhood.

Variance Findings

1. **That because of 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, due to the small size of the subject parcel, it is not possible to construct a reasonably sized house without encroaching into the rear setback and reducing the 20-foot setback to the garage. The lot is constrained by its shallow depth and substandard dimensions. A variance is necessary to construct a modestly-sized and functional dwelling (1,365 sq. ft. proposed) on the parcel, as the required setbacks would leave a building envelope only 30 feet in depth. The required setbacks limit the footprint and location of the proposed dwelling and garage. The strict application of the zoning ordinance with respect to setbacks would deprive the property owner of a reasonable amount of living space for their residence, a privilege enjoyed by other properties in the area.

2. **That the granting of the 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.**

The granting of the 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 in that the proposed structure is of modest size (1,365 sq. ft.) and height (24'-3") and will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the replacement dwelling will not adversely shade adjacent properties. Moreover the new structure will comply with the required lot coverage and floor area ratio, and will provide the required on-site parking.

In addition, the proposed house will be properly 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, other than the garage and rear yard setback, the proposed residential addition complies with the site standards for the R-1-8 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. The proposed dwelling is very modest in size and the variances are necessary to provide viable use of the legal parcel. Due to the size of the subject parcel, the proposed design and configuration is the most feasible and least impactful to the surrounding neighborhood.

While the existing legal parcel of record is substandard with respect to parcel size under the R-1-8 (Single-family residential – 8,000 square foot minimum lot size) zone district, the proposed residential development is similar to what exists in the surrounding neighborhood. The proposed degree of encroachment into required setbacks will not significantly impact neighboring structures, in that the rear yard of the subject property abuts the side yard of the lot to the west; therefore the western dwelling is located within 5 feet of the shared property line, and the proposed dwelling will be set back the same distance from that property line.

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

This finding can be made, in that, due to the small size of the subject legal parcel, it is not possible to construct a reasonably sized house, such as those that exist on surrounding lots, without encroaching into the rear setback and reducing the 20-foot setback to the garage. A variance is necessary to construct the proposed modestly-sized dwelling (1,365 sq. ft.) on the parcel, as the required setbacks would leave a building envelope only 30 feet in depth. The strict application of the zoning ordinance with respect to setbacks would deprive the property owner of a reasonable amount of living space for their residence, a privilege enjoyed by other properties in the area.

Moreover, the proposed degree of encroachment into required setbacks will be not significantly impact neighboring structures, in that the proposed dwelling will be setback the same distance from the western property line as the neighboring house is setback from the same property line on the adjacent parcel to the west (i.e., both the new house and the existing neighboring house will be set back 5-feet from that shared property line).

Conditions of Approval

Exhibit A: Project plans, 8 sheets, prepared by DeMattei Construction, Inc., dated 11/2/11, and Existing Site Conditions Plan, Preliminary Grading and Drainage Plan, Preliminary Site Utility Plan, and Preliminary Erosion Control Plan, 1 sheet each, prepared by Ifland Engineers, dated 1/6/12.

- I. This permit authorizes the construction of a two-story 1,365 square foot, two-bedroom single family dwelling, and attached garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 1. No landscaping shall be permitted to encroach into the right-of-way such that public parking is impacted.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development.

The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
 2. Drainage, and erosion control plans. Erosion control plans must include fencing at the perimeter of the dripline of the plum tree, per the project arborist's recommendations.
 3. Plans shall include a note stating that the project arborist shall be onsite during the excavation necessary for the construction of the patio to ensure adequate protection of the tree.
 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 which clearly depict the total height of the proposed structure. Maximum height is 24.25 feet as shown on Exhibit A.
 5. Details showing compliance with fire department requirements.
 6. Details showing the locations of downspouts and how runoff from the downspouts will be directed to the proposed drainage swale.
 7. Details showing cross section construction details for the proposed permeable concrete pavers and drainage swale. Please note that the county would prefer a vegetated swale to allow filtration and percolation of runoff prior to leaving the site.
 8. Prior to building permit approval, the applicant shall submit a soils report prepared by a licensed geotechnical engineer for review by the County Civil Engineer, and project plans shall be revised if necessary to be in conformance with the recommendations provided in the soils report.
 9. Prior to building permit approval, the applicant shall submit an erosion control plan for review by the Resource Planner.
- 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. Provide required off-street parking for two (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.
 - F. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Once plans have been approved by all agencies, provide a plan review letter from the soils engineer referencing the final revised drawings and stating that they conform to the provided recommendations.
 - 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. To minimize noise, dust and nuisance impacts on surrounding properties to

insignificant levels during construction, the owner/applicant shall or shall have the project contractor comply with the following measures during all construction work:

1. Limit all construction to the time between 8:00 am and 6:00 pm weekdays, excluding holidays

- 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: _____

Steven Guiney
Deputy Zoning Administrator

Frank Barron
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: 111339

Assessor Parcel Number: 028-171-09

Project Location: 213 20th Ave. Santa Cruz, CA 95062

Project Description: Construction of a new 1,365 sq. ft. two-story single-family dwelling and attached garage.

Person or Agency Proposing Project: Brian Aced, DeMattei Construction, Inc.

Contact Phone Number: (408) 640-0663

- 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: 15303. New Construction or Conversion of Small Structures

F. Reasons why the project is exempt:

Construction of small (1,365 sq. ft.) single-family dwelling

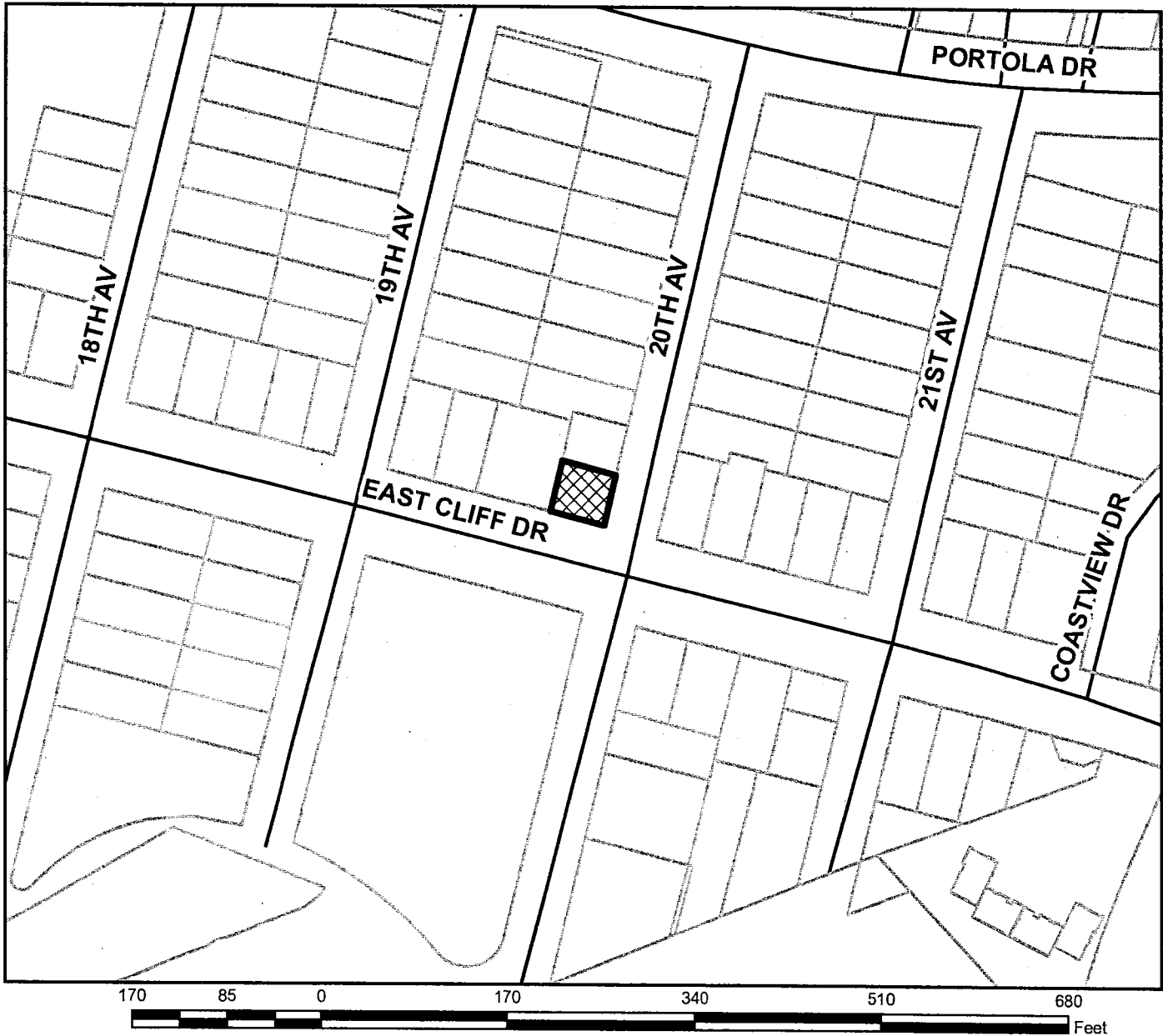
In addition, none of the conditions described in Section 15300.2 apply to this project.

Frank Barron, Project Planner

Date: _____



Location Map



LEGEND



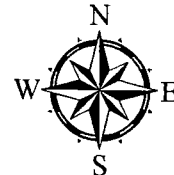
APN: 028-171-09



Assessors Parcels



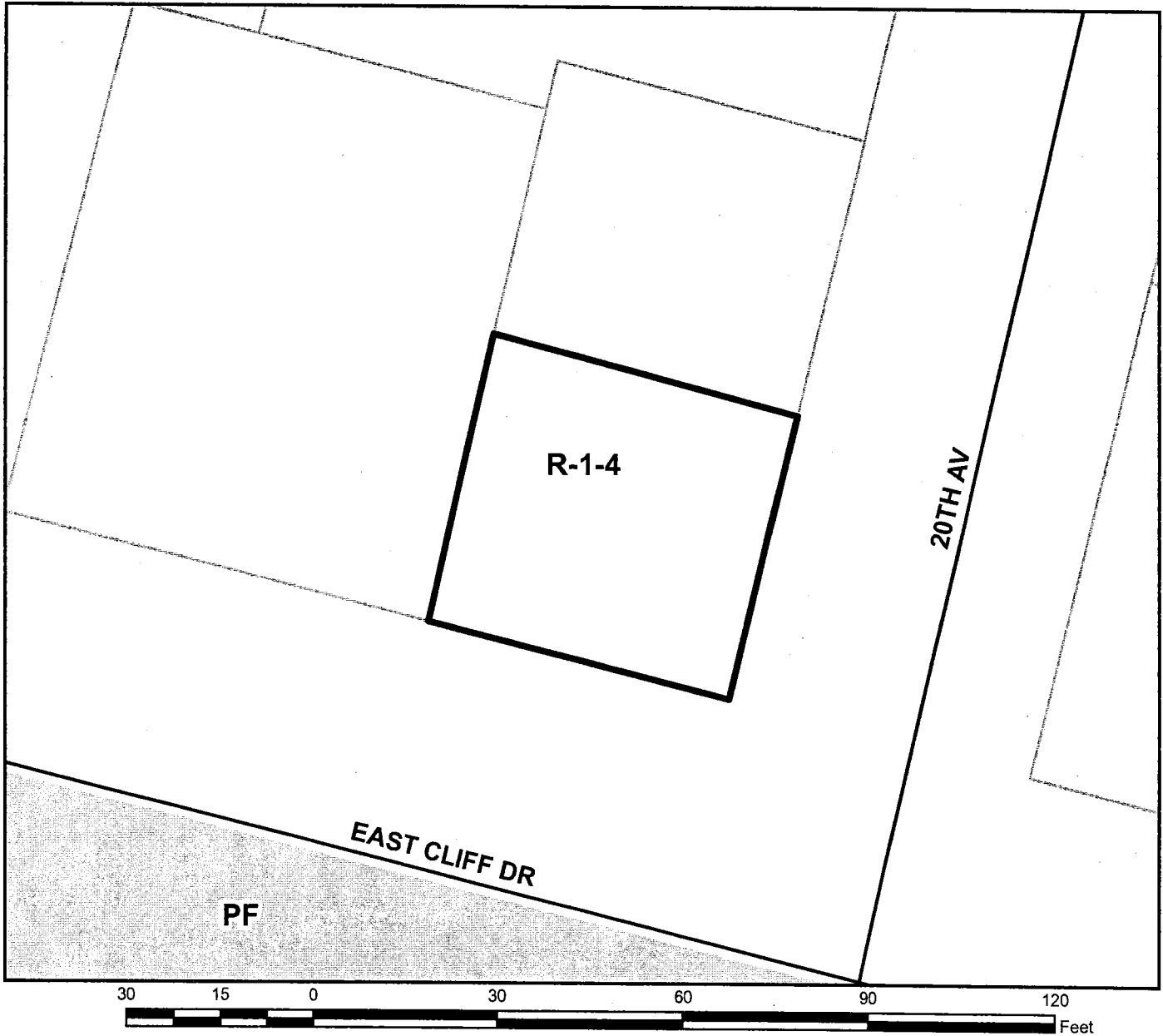
Streets



Map Created by
County of Santa Cruz
Planning Department
November 2011



Zoning Map



LEGEND



APN: 028-171-09



Assessors Parcels

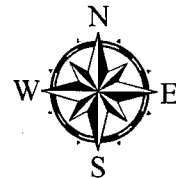


Streets

RESIDENTIAL-SINGLE FAMILY



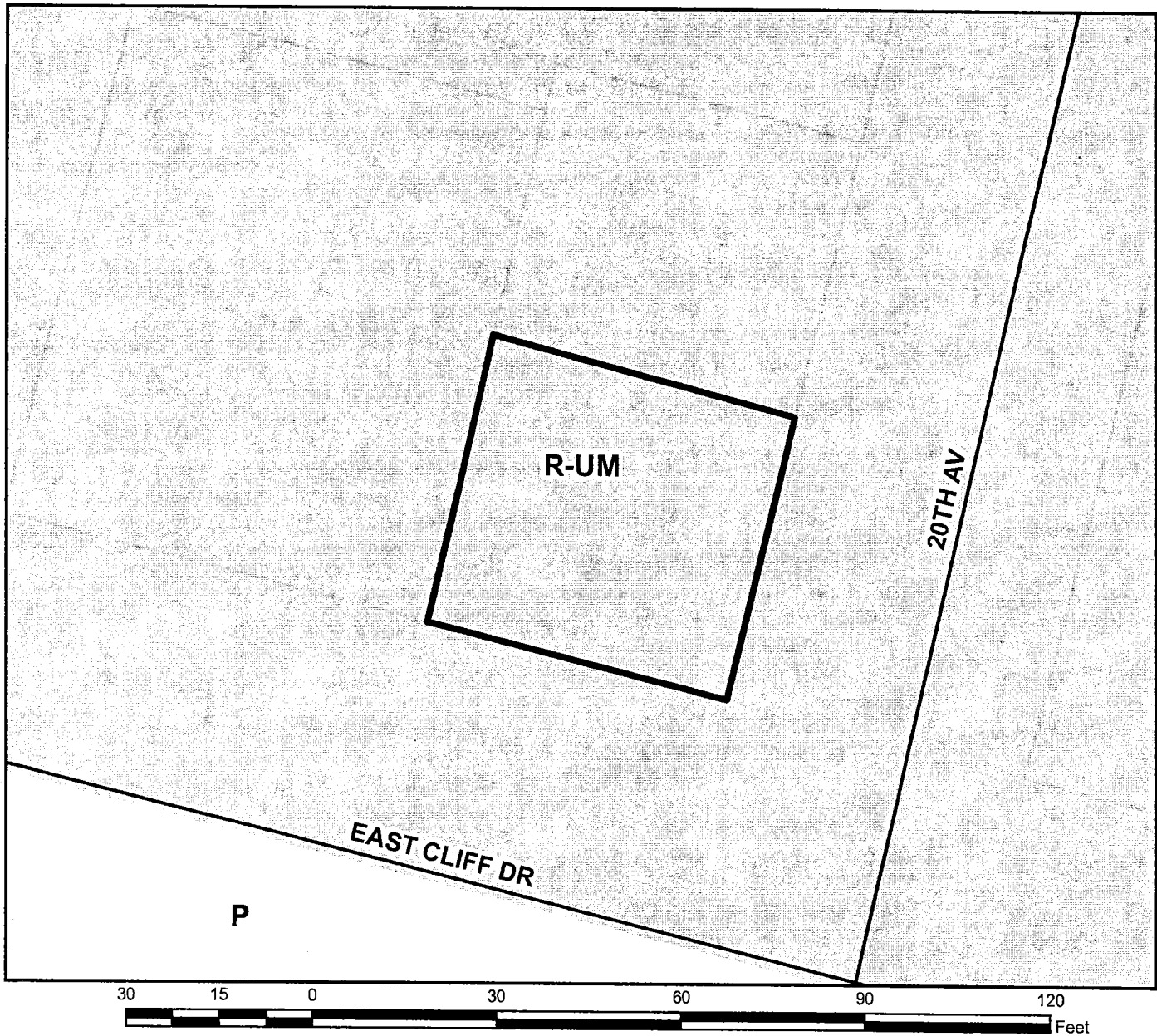
PUBLIC FACILITY



Map Created by
County of Santa Cruz
Planning Department
November 2011



General Plan Designation Map



LEGEND



APN: 028-171-09



Assessors Parcels

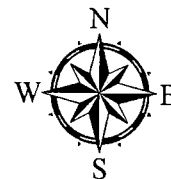


Streets



Residential - Urban Medium Density

Public Facilities



Map Created by
County of Santa Cruz
Planning Department
November 2011

TRANSMITTAL - LEVEL 5, 6 & 7

DATE: _____

TO: Support Staff

FROM: Frank Barron

RE: Application # 111339

PLEASE COMPLETE THE ITEMS CHECKED BELOW:

Return all original documents to the planner, unless checked ⇒ ☐ Use original documents for distribution

- ☐ Make _____ copies of the attached documents; distribute as follows:
- ☐ Mail copies to: ☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send a copy to District Supervisor _____ (via Inter-office mail)
 - ☐ Send copies to: ☐ DPW Surveyor (Plans & Conditions – all land divisions)
☐ Housing (Conditions – projects with affordable housing reqts.)
☐ _____
 - ☐ Extra copy to planner
 - ☐ Mail a copy to the California Coastal Commission: ☐ Certified Mail ☐ Send attached plans
 - ☐ Mail copy of Coastal Exclusion to Coastal Commission with any attached documents/exhibits.
 - ☐ Mail copy of permit conditions to: _____ (Local Fire District)
- ☐ Send copy of CEQA notice to the Clerk of the Board:
- ☐ Notice of Exemption
 - ☐ Notice of Determination/Negative Declaration
 - ☐ Certificate of Fee Exemption
- ☐ Special instructions:
- ☐ Send attached exhibit(s) to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ Send attached recordable documents to:
☐ Applicant ☐ Owner ☐ Applicant/Owner (if same)
 - ☐ _____
 - ☐ _____

Completed by: _____
(support staff) (date)

Return recorded form to:

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

Attention: Frank Barron
Application #: 111339

Notice

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

Recording requested by:

COUNTY OF SANTA CRUZ

When recorded, return to:

Planning Department
Attn: Frank Barron
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Conditions of Approval

Development Permit No. 111339
Property Owners: Doug and Margo Lynn
Assessor's Parcel No.: 028-171-09

Exhibit A: Project plans, 8 sheets, prepared by DeMattei Construction, Inc., dated 11/2/11, and Existing Site Conditions Plan, Preliminary Grading and Drainage Plan, Preliminary Site Utility Plan, and Preliminary Erosion Control Plan, 1 sheet each, prepared by Ifland Engineers, dated 1/6/12.

VI. This permit authorizes the construction of a two-story 1,365 square foot, two-bedroom single family dwelling, and attached garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:

- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
- C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - 1. No landscaping shall be permitted to encroach into the right-of-way such that public parking is impacted.

- D. 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.

VII. Prior to issuance of a Building Permit the applicant/owner shall:

- A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development.

The final plans shall include the following additional information:

1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
2. Drainage, and erosion control plans. Erosion control plans must include fencing at the perimeter of the dripline of the plum tree, per the project arborist's recommendations.
3. Plans shall include a note stating that the project arborist shall be onsite during the excavation necessary for the construction of the patio to ensure adequate protection of the tree.
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 which clearly depict the total height of the proposed structure. Maximum height is 24.25 feet as shown on Exhibit A.
5. Details showing compliance with fire department requirements.
6. Details showing the locations of downspouts and how runoff from the downspouts will be directed to the proposed drainage swale.
7. Details showing cross section construction details for the proposed permeable concrete pavers and drainage swale. Please note that the county would prefer a vegetated swale to allow filtration and percolation of runoff prior to leaving the site.
8. Prior to building permit approval, the applicant shall submit a soils report prepared by a licensed geotechnical engineer for review by the County Civil

Engineer, and project plans shall be revised if necessary to be in conformance with the recommendations provided in the soils report.

9. Prior to building permit approval, the applicant shall submit an erosion control plan for review by the Resource Planner.
 - 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. Provide required off-street parking for two (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.
 - F. 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.
- VIII. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Once plans have been approved by all agencies, provide a plan review letter from the soils engineer referencing the final revised drawings and stating that they conform to the provided recommendations.
 - 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.

IX. 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. To minimize noise, dust and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 6:00 pm weekdays, excluding holidays

X. 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.

By signing below, the owner agrees to accept the terms and conditions of approval of Application 09-0124 and to accept responsibility for payment of the County's cost for inspections and all other action related to noncompliance with the permit condition. The approval of Application 09-0124 is null and void in the absence of the owner's signature below.

Executed on _____,
(date)

Property Owner(s) signatures:

(Signature) (Print Name)

(Signature) (Print Name)

(Signature) (Print Name)

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT
SHALL BE ATTACHED.**

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and
that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Signature of Notary Public)

This form must be reviewed and approved by a County Planning Department staff person after
notarization and prior to recordation.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff



County of Santa Cruz Planning Department

Steps for Completing and Recording the Conditions of Approval for this Permit

1. Review all of the information on the document to be recorded. The property owner is responsible for reviewing **all** of the entered information, including the Assessor's Parcel Number (APN), site address, owner's name(s), previous owner(s), document number(s), and recording dates. If any of this information is found to be incorrect, notify the Planning Department of the inaccuracy **prior** to recording the document. If necessary, a corrected version of the document will be prepared at the owner's request.
2. Obtain the signature(s) of **all** property owners. A notary public must verify all signatures. The Planning Department has a notary public and/or the phone book lists several other notaries public.
3. Bring the notarized form into the Planning Department for review and signature by a Planning Department staff person prior to recording. Please ask the receptionist for assistance in obtaining a signature, please do not sign on to the waiting list for this purpose.
4. In order to save the photocopy costs, you may bring along your own copy or copies (as well as the original) to the Recorder's Office, which they will stamp for you for a fee.
5. Have the form recorded in the County Recorder's Office, Room 230, and have a photocopy made with the recorder's stamp on it, or have your copy conformed. Please contact the Recorder's Office regarding their fees & hours of operation at: (831) 454-2800. **Note: Do not record this instruction form with your recordable documents.**
6. The copy may be mailed directly to the Planner or routed to the planner through the Planning reception desk as you step off the elevator on the 4th floor.
7. The original stamped declaration will be sent to the Planning Department in 3-5 weeks and placed in permanent records.

Your building application will not be approved by the planning department, and your use may not begin until steps 1-6 have been completed.