



## Staff Report to the Zoning Administrator

Application Number: **121143**

**Applicant:** Larry Rego  
**Owner:** Reed Geisreiter  
**APN:** 028-142-13

**Agenda Date:** January 18, 2013  
**Agenda Item #:** 1  
**Time:** After 9:00 a.m.

**Project Description:** The proposal is to replace an existing nonconforming detached one car garage with a 440 square-foot two car garage that will be attached to the existing single-family residence by a breezeway, to replace a six-foot high wood fence located within a required 20 foot front yard with a new six foot high wood fence and to install landscape and yard improvements including a replacement spa on the existing deck, paving, a fire pit and addition of a cooking island on a property in the R-1-6 and PR zone districts. This requires an Amendment to Coastal Development Permits 90-0198 and 04-0488, a Variance to reduce the required 20 foot front yard and 5 foot north side yard setback for the new garage to around zero feet for the eave overhang, one foot to building walls, and an Amendment to Residential Development Permit 76-1143-U and a Coastal Development Permit for landscaping and to replace the existing six foot high fence with a similar fence within 50 feet of a coastal bluff.

**Location:** The property is located on the east side of 13<sup>th</sup> Avenue (120 13<sup>th</sup> Avenue) approximately 860 feet south of the intersection with Prospect Street.

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

**Permits Required:** Amendment to Coastal Development Permits 90-0198 and 04-0488 and Residential Development Permit 76-1143-U, a new Coastal Development Permit, and a Variance

**Technical Reviews:** None

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

**Exhibits**

- |    |  |    |   |
|----|--|----|---|
| A. | Project plans                              | G. | General Plan Maps                                 |
| B. | Findings                                   | G. | Coastal Development Permit                        |
| C. | Conditions                                 |    | P-77-933.   |
| D. | Categorical Exemption (CEQA determination) | H. | Historical photo (1933) to show original carport. |
| E. | Correspondence                             |    |   |
| F. | Assessor's, Location, Zoning and           |    |   |

## Parcel Information

Parcel Size: 12,850.22 square feet  
Existing Land Use - Parcel: Residential and beach  
Existing Land Use - Surrounding: Residential parcels to the north and west, beach area to the east and south  
Project Access: 13<sup>th</sup> Avenue  
Planning Area: Live Oak  
Land Use Designation: R-UL / O-R (Urban Low Residential / Existing Parks and Recreation)  
Zone District: R-1-6 / PR (Single-Family Residential / Parks and Recreation)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm.: ☒ Yes ☐ No

## Environmental Information

Geologic Hazards: Coastal bluff and beach area  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: Developed portion of site gently sloped, coastal bluff slopes down towards the beach on the south and east.  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

## Services Information

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

## History

The original approximately 1,272 square foot dwelling and a detached garage of 198 square feet were constructed on the parcel in 1924, prior to the adoption of zoning regulations. Based upon a recent survey, neither structure conforms to the current setback requirements for the zone district. The dwelling was constructed approximately three feet, eight inches from the northern property boundary and the garage was constructed in the northwestern corner of the property such that the walls are at the property line and the eaves encroach into the neighboring parcel to the north and into the right-of-way for 13<sup>th</sup> Avenue.

In 1976, Residential Development Permit 76-1143-U was approved to construct a six foot high wood fence along the western property boundary within the required front yard setback of the parcel. This fence extends southwards from the corner of the existing garage and continues beyond the end of 13<sup>th</sup> Avenue, terminating at the coastal bluff. As shown on the elevation submitted in support of Coastal Development Permit, P-77-325, issued by the California Coastal Commission, the maximum approved fence height is between 6 feet 5 inches and 6 feet 9 inches, depending on the grade below, and southern most portion of the fence was reduced by 2 feet 9 inches in height so that the fence would not obscure public views of the beach from the end of 13<sup>th</sup> Avenue. Permits were also approved for additions to the dwelling, in 1990 Coastal Development Permit and Residential Development Permit 90-0198 was approved for a the construction of a 98 square foot addition and a 732 square foot deck with a spa at the existing nonconforming dwelling and in 2004 application 04-0488 for an Amendment to 90-0198 was approved to construct a 175 square foot solarium and entry porch. There have been no major changes to the garage, although the original single-car carport that was attached to the southern elevation fell into disrepair and was demolished in 1980. Although no replacement carport was constructed, a paved parking area remains adjacent to the garage.

In addition to the above development permits for additions to the dwelling and for landscape improvements to the yard area, there have been several permits issued over the years for retaining structures, including the placement of rip rap to stabilize the coastal bluff that runs through the property.

### **Project Setting**

The parcel is located at the southern end of 13<sup>th</sup> Avenue and includes approximately 9,000 square feet of developable land and an area of beach that lies to the south that is separated from the main portion of the parcel by the coastal bluff. The coastal bluff, which is approximately 24 feet in height and protected at its base by rip-rap, runs roughly north-south along the eastern property boundary and then turns westwards across the parcel. The parcel is developed with a two story single-family dwelling that has extensive permitted deck areas at the eastern elevation above the coastal bluff, and also a detached single-car garage. All of the structures on the parcel are located along the northern property boundary away from the ocean with open yard areas to the south towards the coastal bluff.

The house and detached garage on the parcel are located on the eastern side of 13<sup>th</sup> Avenue adjacent to where the road dead-ends at the coastal bluff. At the end of the street beyond a metal guard rail there is a public beach view point with a bench but no official beach access. The street is continuously developed on both sides and constitutes a mixed neighborhood that is made up of mostly older one and two story single-family residential homes along with some newer or remodeled structures. Almost all of the structures in the vicinity of the project site are nonconforming to setbacks, having been constructed prior to permit requirements, and/or have been granted a Variance or other approvals recognizing noncompliance with site standards.

The following Variances or permits for additions or remodeling to nonconforming structures have been approved for parcels that immediately surround the subject property:

APN	Location	Permits	Description
028-142-35	One parcel north of the subject parcel on the same side of 13 <sup>th</sup> Avenue.	80-59-V	Variance to reduce the required front yard to around zero feet and the required side yard to around two feet for the construction of a garage.
028-431-10	Directly across the street	3497-U	Use Permit for the construction of an addition at an existing nonconforming dwelling
028-431-09	Adjacent, across the street	89-1142	Coastal Development Permit for the construction of additions at an existing nonconforming dwelling
028-431-08	Adjacent, across the street	82-49-PD	Planned Development Permit and Variance to reduce the side yards to around four feet six inches and two feet six inches respectively, and the required front yard to around five feet for the construction of an addition.

### Zoning & General Plan Consistency

The subject property is a parcel of approximately 12,850 square feet that has split zoning. The developed portion of the lot, which has an area of approximately 6,275 square feet, is within the R-1-6 (Single-Family Residential) zone district, a designation which allows residential uses. The remainder of the lot, around 6,575 square feet, includes a portion of the side yard, the coastal bluff and beach areas, and lies in the PR (Parks and Recreation) zone district. A single-family dwelling is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing house, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. Landscaping and yard areas are consistent with the purposes of the PR zone district. The zone districts are consistent with the site's (R-UL/O-R) Urban Low Residential/Existing Parks and Recreation General Plan designations.

This project proposes the demolition of the original nonconforming 198 square foot garage that is located in the northwestern corner of the lot, and the construction of a replacement two-car garage. The proposed garage will occupy the same approximate footprint as the original garage and an attached carport from 1947 and retains the two existing parking spaces on the parcel.

Because the replacement garage is proposed to be immediately adjacent to the right-of-way for 13<sup>th</sup> Avenue, within the required front yard for the parcel and also within the north side yard, a Variance is required as specified in County Code section 13.10.230. As detailed in the variance findings, the approval of a Variance to allow for the replacement of the existing garage with a new two-car garage in the same basic location is in character with other developments in the vicinity that are under identical zoning classification. No alternate location where a garage could realistically be constructed exists on the parcel due to the restricted access from 13th Avenue and because of the required 25 foot setback from the coastal bluff, as set out in the Geologic Hazards ordinance, County Code section 16.10.070.h(ii).

The existing garage provides a zero setback to both the north and western property boundaries and the eave line encroaches over the property boundary. Although the property owner has previously negotiated an easement with the property owner to the north to remedy this situation, as proposed the replacement garage will be constructed one foot inside the property lines to allow for the provision of a one foot eave so that no part of the proposed structure will encroach beyond the property line.

In addition to the construction of a replacement garage the project also includes the replacement of an existing fence of around six feet in height that runs along the western property boundary and landscape improvements within the side and rear yard areas of the parcel. Fences within the required front yard are limited to three feet in height as set out in County Code section 13.10.325 unless an increase in height has been approved by a Residential Development Permit. The original board fence was constructed subject to the approval of a Residential Development Permit issued by the County and also a Coastal Development Permit approved by the California Coastal Commission, therefore the proposed replacement and redesign of the fence requires an Amendment to the County-issued Residential Development Permit and a new County-issued Coastal Development Permit because the County now has the authority to issue Coastal Development Permits. The replacement fence will be constructed in approximately the same location as the existing fence, and will match the proposed garage. The design includes a reduced height section adjacent to the coastal bluff to allow for public views of the beach, as did the original fence, and recessed planting areas facing 13<sup>th</sup> Avenue for climbing plants that will break up and soften the fence in views from the street and adjacent vista point.

The proposed yard improvements that include a barbecue, replacement spa, new paving, improvements and new plantings, have been designed to be in conformance with the Geologic Hazards Ordinance regarding the protection of coastal bluffs, as set out in County Code section 16.10.070h(ii), in that no new development that will require the issuance of a Building Permit will be installed within the required minimum 25 foot setback to the top of the bluff. Further, new and improved paved areas will direct storm water run-off away from the coastal bluff towards a drainage inlet box to be discharged in a manner that will not impact the coastal bluff or the beach that lies below.

### **Local Coastal Program Consistency**

The proposed garage and landscape improvements are to be constructed within 50 feet of a coastal bluff, and therefore a Coastal Development Permit is required as set out in 13.20.068(a)2(iv). The proposed project is in conformance with the County's certified Local Coastal Program, in that the proposed structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood as detailed in the Coastal Development Permit findings.

The project site is located between the shoreline and the first public road and there is an unofficial unpaved beach access that exists immediately adjacent to the parcel. The proposed garage and garden fence will not impact this pathway in any way. Also, because the proposed structures will replace existing structures that are in roughly the same location, they will not significantly alter the beach views from the end of 13<sup>th</sup> Avenue or views from the beach. Due to the height of the coastal bluff, the proposed replacement garage will not be visible from

the beach. Although the new fence may be visible from the beach below it will not have any greater impact than the existing fence in the same location. The proposed landscaping within the enclosed yard area will not materially affect any existing coastal vistas.

### **Design Review**

The proposed garage and fence comply with the requirements of the County Design Review Ordinance. The new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The existing garage has a blank north facing wall which is highly visible from the neighborhood. As proposed the replacement garage includes decorative windows to increase the visual interest of the north facing wall of the garage which will enhance the aesthetic appeal of the structure. The street facing elevation of the proposed garage includes two separate garage doors as opposed to a single larger door, and this, along with a decorative vent located on the gable end, will break up the bulk and mass of the structure as viewed from the street. The proposed covered walkway that extends along the southern elevation of the proposed garage will terminate at the street with a gated entry that has a matching pitched roof that will connect to and extend the roofline of the existing entrance porch at the dwelling towards the street. The line of the replacement fence has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood and also from the public beach viewing area at the end of the street. Developed parcels in the area contain both one and two story homes that include both attached and detached garages and that reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the styles in the area.

### **Environmental Review**

Environmental Review has not been required for the proposed project since, as proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 15303: New Construction or Conversion of Small Structures, in that the demolition of the existing single-car garage and the construction of a double garage and the landscaping of the yard area, have no potential to cause environmental impact due to the small scale of the project which has been designed to minimize drainage impacts and prevent potential damage to the coastal bluff.

### **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 **121143**, based on the attached findings and conditions.

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

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

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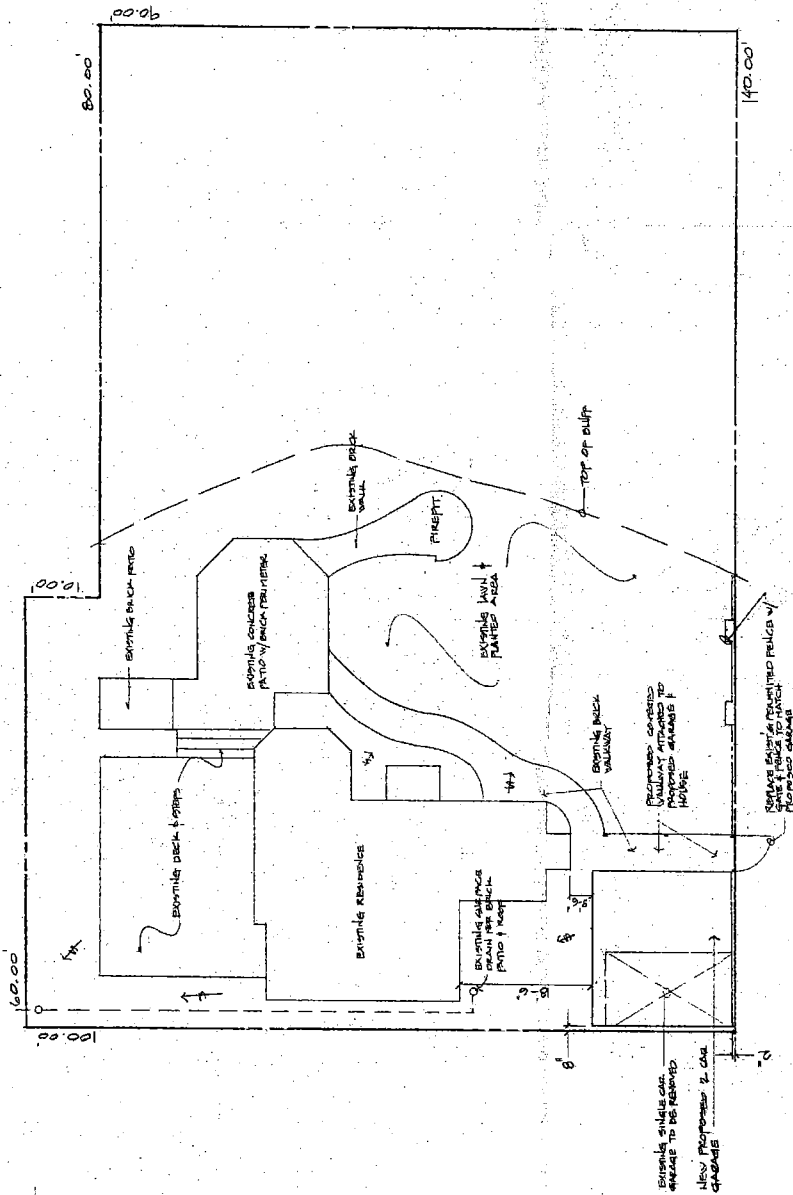




REMOVES EXISTING 1 CAR GARAGE & BUILDS NEW 2-CAR GARAGE  
W/ COVERED PORCH TO EXISTING HOUSE

LOT SIZE	12,660 sq. ft.
HOLDS	9,018 sq. ft.
STAYING GARAGE	607 sq. ft.
REQUIRED GARAGE	440 sq. ft.
INDEPENDENTLY BUILT GARAGE	980 sq. ft.
LOT COVERAGE	27.5 %
LOT COVERAGE	28.4 %
1982	102 sq. ft.
	18.1 %

WATER & SEWER DIST. SANTA CRUZ MUNICIPAL.



THRESELT AVENUE

SECRET

1831

- 9 -

# EXHIBIT A

pln797

[illegible]



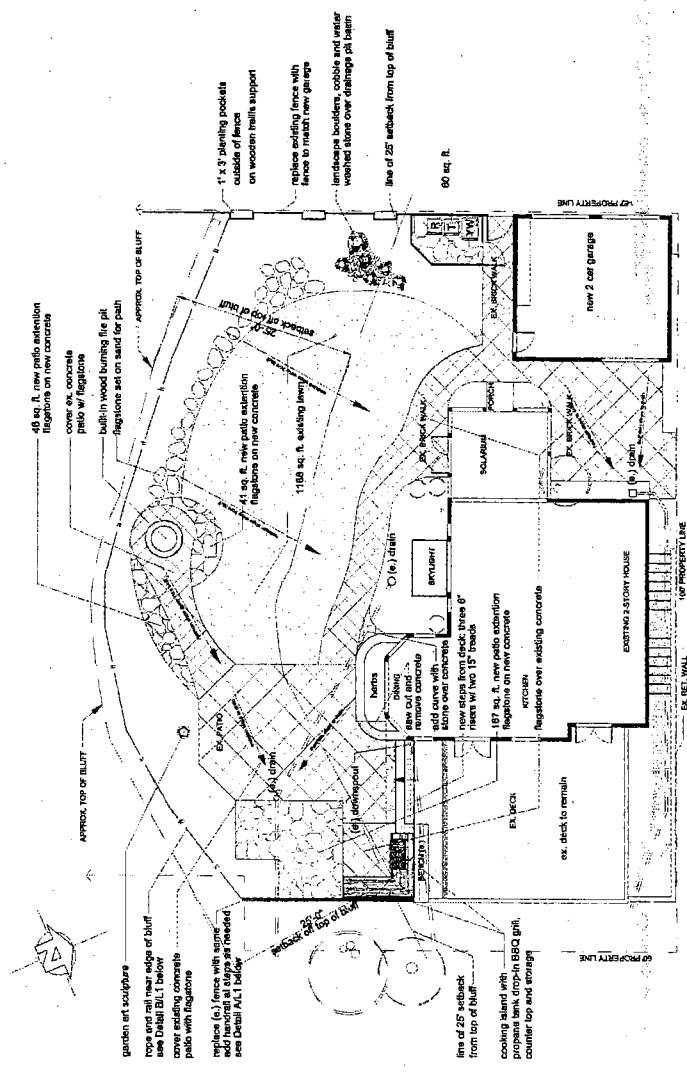


DATE	PURPOSE	BY
05.12	first review	MAA
08.07	2nd review	MAA
12.12	prepare gdl	MAA

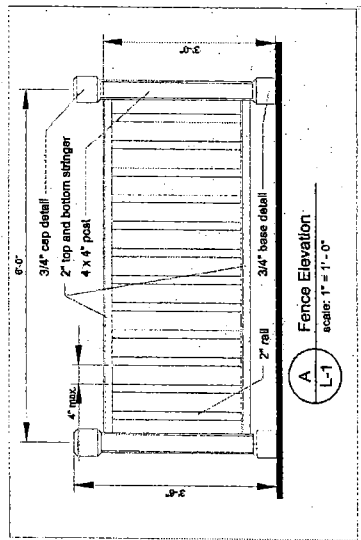
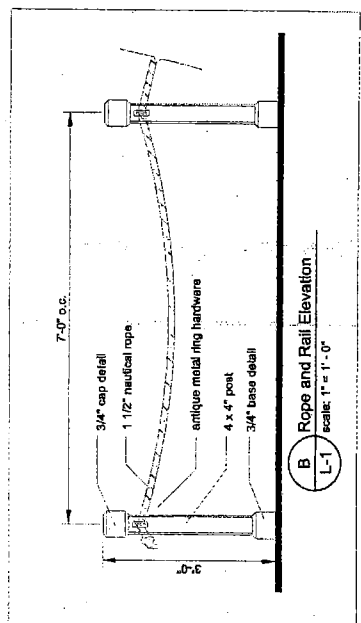
scale:  
1/8" = 1' - 0"

sheet title:  
hardscape

sheet number:  
L - 1  
of three



on wooden trellis support



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- DRAINAGE NOTES:**
1. All surface runoff from lawn and planting beds presently slopes away from the bluff. The new landscape will maintain that flow so that no additional storm runoff will reach the bluff.
  2. All existing downslopes and drains are piped to the east side of the house. These lines will be checked and repaired as needed to provide positive flow away from the house and away from the southern bluff.
  3. All new paving areas will be have drain inlets added if necessary to collect water and direct it away from the southern bluff.

Key	Description	Area
	ex. paving to be covered with flagstone	1318 sq. ft.
	new concrete to be covered with flagstone	329 sq. ft.



DATE	PURPOSE	BY
9.5.12	first review	MAA
10.12.12	2nd review	MAA

scale: 1/10" = 1' 0"




sheet title: planting

sheet number:  
**L - 2**  
of three

### GEISREITER PLANT LEGEND

Accession	Scientific Name	Common Name	Planting Size	Quantity
AB	<i>Aspidistra</i> 'Red'	Red Japanese Lirioden	16-Gal	19
AD	<i>Adiantum</i>	Common Fern	1-Gal	39
BE	<i>Begonia umbrosa</i>	Common Begonia	5-Gal	2
CE	<i>Carex 'Red Stripes'</i>	Red Carex Hybrids	1-Gal	2
CI	<i>Carex 'Tropaeol'</i>	Carex	1-Gal	3
CL	<i>Carex 'Tropaeol'</i>	Carex	16-Gal	3
D	<i>Clivia 'Blackboard'</i>	Blackboard	16-Gal	1
FM	<i>Clivia 'Blackboard'</i>	Blackboard	5-Gal	1
FB	<i>Fuchsia hybrid</i>	Orange-red Fuchsia	5-Gal	2
H	<i>Habenaria speciosa</i>	Habena	15-Gal	1
HA	<i>Habenaria speciosa</i>	Blue Bell Grass	1-Gal	19
LA1	<i>Leucosticte virginiana</i>	Leucosticte	5-Gal	6
LP	<i>Leucosticte virginiana</i>	Pennsylvan Lirioden	5-Gal	4
J	<i>Lobelia spp.</i>	Lobelia	4" pot	8
J	<i>Lysimachia nummularia 'Aurea'</i>	Climbing Jenny	1-Gal	6
P	<i>Passiflora suberosa</i>	Passion Vine	15-Gal	3
V	<i>Passiflora caroliniana</i>	Blue Crown Passion Flower	15-Gal	2
PJ	<i>Phlox 'Jack Spratt'</i>	Dwarf Phlox	1-Gal	3
PNV	<i>Polemonium tuberos 'Vindicator'</i>	Vegetable Bell	15-Gal	5
PM	<i>Polydichum maritimum</i>	Wentland Sword Fern	5-Gal	2
RC	<i>Rosa 'Flower Carpet'</i>	Ground Cover Rose	5-Gal	24
BR	<i>Salvia 'Sue's Blue'</i>	Light Purple Sage	5-Gal	3
SG	<i>Salvia greggii</i>	Autumn Sage	5-Gal	8
SL	<i>Salvia leucophylla</i>	Purple Sage	5-Gal	1
T	<i>Thymus serpyllifolius</i>	Climbing Thyme	4" pot	12
NR	<i>Topasium majus</i>	Cascade Nasturtium	1-Gal	3
NR	<i>Wrightia nummularia</i>	Wrightia	15-Gal	2

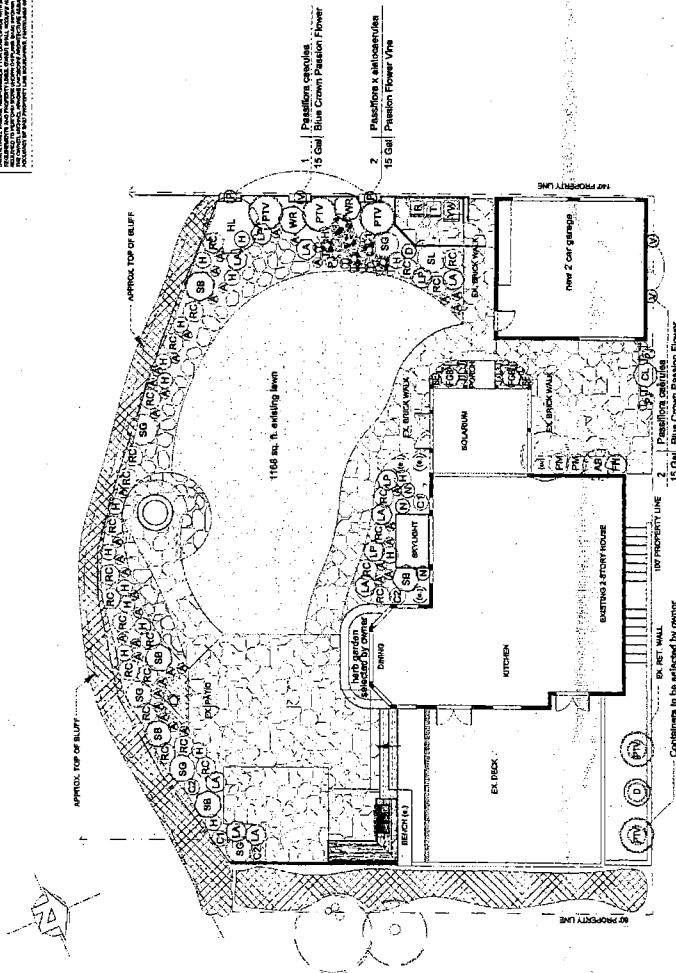
**GROUND COVER LEGEND**

Symbol	Scientific Name	Common Name	Size	Spacing
	<i>Ceanothus</i> s. <i>incanus</i> "Ceano Ceano"	Canal Draper Ceanothus	1-Gal	1' O.C.
	<i>Malacra pilularis</i> "Pigpen Plant"	Pigpen Plant Coyote Bush	1-Gal	1' O.C.
	<i>Artemisia tridentata</i>	Four Leaf Thrift	4" pots	11" O.C.

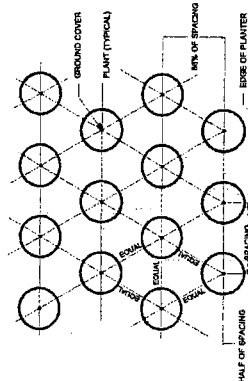


### Planting Notes

1. At all existing trees, shrubs and ground covers to remain shall be protected. Any damage to existing plants shall be repaired or replaced at the Contractor's expense and be approved by the Landscape Architect.
2. All planting areas shall receive 50 lbs "Nutrients 6-2-4 + Fe" (or equal organic slow release fertilizer) and 100 pounds per 2,000 square feet to be thoroughly incorporated into the top 6 inches of soil.
3. All plants shall be watered daily for 14 days after planting. Tel: 1-800-325-6245 for Distributor/Product information. Or visit [www.landscapetool.com](http://www.landscapetool.com)
4. After amending soil, grade all areas smooth with no localized depressions exceeding .3 inch. All areas shall surface drain with 1.5 percent minimum slope away from all buildings, paving or other structures.
5. All quantities are for siding in planting only. Contractor shall verify all quantities.
6. Contractor shall lay out plant material as per plan unit narrative approved from Landscape Architect.
7. No plants shall be planted with root balls or new pits in a dry condition.
8. Plant all plants as per planting details in square pit with sides and bottom uniformly sloped. Do not amend backfill mix beyond initial topsoil amending unless notified.
9. All existing material shall be protected by deep watering every 3 hours of planting.
10. An existing street shall mow to 3 inches of mink, new top dressing (mulch).
11. Contractor shall be responsible for installing all new plant material until the entire project is as shown approved and accepted by Owner.
12. All plants shall be watered daily for 14 days after planting and all areas as necessary to be approved by Landscape Architect.



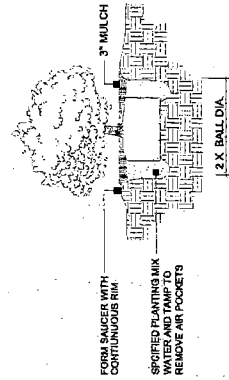
## GROUND COVER PLANTING DETAIL



**NOTE: REFER TO PLANTING LEGEND FOR SPACING DISTANCES ROWS ARE AT 66% OF SPECIFIED SPACING**

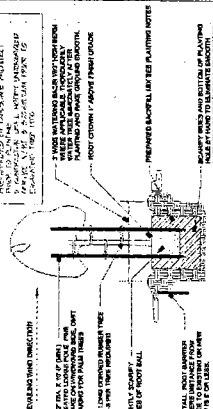
**NAME: \_\_\_\_\_**

SHRUB PLANTING DETAIL



1:25:41.15

**TREE PLANTING DETAIL**



GRUFFAZZLE, FOOT TAMP BAG,  
PLANTING

2001-2002



## 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.**

The project is located on the portion of the parcel that is zoned R-1-6 (Single Family Residential), a designation that allows for residential uses. A single-family dwelling is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing house, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. This zoning is consistent with that portion of the site's (R-UH) Urban High Residential General Plan designation.

The special circumstance that applies to this lot is that there are no other locations on the parcel where the garage could be located. Open yard areas south of the existing dwelling are mostly within 25 feet of the top of the coastal bluff that runs through the parcel and therefore the construction of a garage in this area could not be approved as set out in County Code section 16.10.070h.(ii). Further, most of the yard area lies within the PR (Parks and Recreation) zone district, a designation that is intended for open space and park uses. Therefore development in this area is required to be for outdoor uses oriented toward the coastal location and this limits the placement of structures. An additional circumstance that limits the placement of the garage is that the pavement for 13th Avenue does not extend along the entire front property line but terminates at a point just over 30 feet south of the northeastern corner of the parcel. Therefore, any alternate location for the garage other than the proposed site would require the provision of an extensive additional paved driveway area that would increase the impervious coverage on the parcel and potentially impact drainage in the area of the coastal bluff. The proposed replacement garage which is in the same corner of the parcel, is proposed to be sited such that there will be a one foot setback to both the north and western property boundaries, which will allow for the provision of a one foot eave at the new garage without encroaching over the property line.

Therefore, this finding can be made.

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 intent and purpose of the residential zone districts is to provide for residential uses. The Variance will allow for the replacement of an existing detached garage and adjacent paved parking area, originally covered by a carport, used in conjunction with an existing single-family dwelling in a residential zone district. The proposed garage will not deprive adjacent properties or the neighborhood of light, air, or open space in that the neighboring dwelling is set back approximately 20 feet from the street such that the front wall of the dwelling is approximately in line with the rear of the proposed garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed structure. In addition, the proposed garage is to be moved one foot further away from the neighboring parcel so that no part of the structure will encroach over the property line. The impact of the structure created by the increase in size from a one-car garage to a two-car garage will be minimal in views along

13<sup>th</sup> Avenue since the proposed garage is only one story in height and the extension of the front wall of the garage along 13<sup>th</sup> Avenue will be along the line of the existing six foot high board fence.

The proposed additions will not be materially detrimental to public health safety and welfare or injurious to property or improvements in the vicinity in that the proposed additions are to be located further from the street than the existing structure and will therefore not impair sight lines along 13<sup>th</sup> Avenue.

Therefore this finding can be made.

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.**

The granting of a Variance to reduce the required 5 foot side setback and required 20 foot setback to the front of a garage to one foot to the wall and zero feet to the eave will not constitute a grant of special privilege to this parcel since the garage replaces an existing structure that was in roughly the same location and which has eaves extending over the property line. A similar Variance has already been granted for a detached garage on APN 028-142-35, located one parcel to the north and on the same side of 13th Avenue as the subject parcel. Variance 80-59-V was approved to reduce the required front yard to around zero feet and the required side yard to around two feet for the construction of a garage.

Further, the proposed project is located in an area of older homes that have both attached and detached single or double garages and within a neighborhood where almost all of the structures are nonconforming with respect to setbacks or have been granted a Variance approval for reduced setbacks. Across the street; Use Permit 3497-U was approved for the construction of an addition at the nonconforming dwelling on APN 028-431-10 that lies immediately opposite the subject parcel. Coastal Permit 89-1142 was approved for the construction of additions at an existing nonconforming dwelling on APN 028-431-09, and Planned Development and Variance 82-49-PD was approved to reduce the side yards to four feet six inches and two feet six inches respectively and the required front yard to around five feet, for the construction of an addition on APN 028-431-08. The proposed enlargement and reconstruction of the existing garage within the setbacks is therefore not a grant of special privilege.

## **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.**

The developed portion of the property and the location of the proposed replacement garage is zoned R-1-6 (Single-Family Residential), a designation which allows residential uses. A single-family dwelling with parking and a fenced yard is a principal permitted use within a residential zone district and the garage, which will be used in conjunction with the existing dwelling, is therefore consistent with the allowed uses on the R-1-6 zoned portion of the parcel. This zoning is consistent with the (R-UH) Urban High Residential General Plan designation of that portion of the site. The proposed landscape improvements are an allowed use in conjunction with the residential use of the parcel and are also consistent with the uses allowed in the PR (Parks and Recreation) zone district that encompasses the southern portion of the parcel. The PR zone district is consistent with the Existing Parks and Recreation (O-R) General Plan Designation.

Therefore this finding can be made.

- 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 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.**

The site is surrounded by lots developed to an urban density. Developed parcels in the area contain both one and two story homes that include both attached and detached garages and structures reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the range of styles in the area and with prior permit approvals. The proposed structures replace a smaller garage, a paved parking area that was originally covered by a carport and an existing six foot tall fence in roughly the same location. The new garage has been designed in the style of the existing home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The existing garage has a blank north facing wall which is highly visible in view from the neighborhood. However, as proposed the replacement garage includes decorative windows to break up the north facing wall and thereby enhance the appearance of the structure in views from the street and neighboring parcels. The street facing elevation of the proposed garage includes two separate garage doors as opposed to a single larger door, and this, along with a decorative vent located on the gable end, will break up the bulk and mass of the structure as viewed from the street. A covered walkway is also proposed and this will extend along the southern elevation of the proposed garage and terminate at the street with a gated entry that has a matching pitched roof that connects to and extends the roofline of the existing entrance porch at the dwelling towards the street. The line of the replacement fence where it runs southward from the entrance gate, has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood, from



the public beach viewing area at the end of the street and also from the beach. The height of the southernmost twelve foot long section of the new fence will be reduced in height by 2 feet 9 inches, consistent with Coastal Development Permit P-77-933 for the original fence, to maintain existing views at the end of 13<sup>th</sup> Avenue.

Due to the height of the coastal bluff the proposed replacement garage will not be visible from the beach to the south and west. Where the new fence is potentially visible from the beach below it will not have any greater impact than the existing fence in the same location. Further, the replacement fence will be softened and screened by the addition of planting.

In addition to the replacement garage and fence, landscape improvements are proposed within the existing yard area. These include new paving, improvements to existing paving, the installation of a propane barbecue within a counter area that has storage below, a new spa that will be located on the existing deck area as originally approved by Coastal Development Permit 90-0198, and new planting. The proposed landscaping within the enclosed yard area will not affect any existing coastal vistas. Further, the proposed improvements have all been designed in conformance with the Geologic Hazards Ordinance and all paved areas will direct storm water run-off away from the ocean so as to not impact the coastal bluff or the beach that lies below.

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 although the project site is located between the shoreline and the first public road the proposed garage and fence will not interfere with public access to the beach, ocean, or any nearby body of water. An unofficial beach access exists immediately adjacent to the parcel which descends on the bluff and over the rip rap from the public viewpoint at the end of 13<sup>th</sup> Avenue down to the beach. The proposed project will not impact this pathway in any way. Because the proposed structures will replace existing structures that are in roughly the same location, the proposed project will not significantly alter the beach views from the end of 13<sup>th</sup> Avenue or otherwise negatively impact the public enjoyment of the area. 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 structures are sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood, as required by the LCP, and will not materially change the visual impact of the existing structures on the parcel that are in the same area. Additionally, residential uses are allowed uses in the R-1-6 (Single-Family Residential) zone district, as well as the General Plan and Local Coastal Program land use designation.

## **Development Permit Findings**

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

This finding can be made in that the project is located in an area designated for residential uses and the proposed two car garage and six foot high wood fence are allowed uses on the property. Construction of the proposed garage and fence 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 existing nonconforming garage was constructed with a zero setback to the property lines and with eaves that encroach into the neighboring parcel to the north and into the right of way to the west. The existing permitted six foot high fence extends the line of the garage along 13<sup>th</sup> Avenue. These existing structures meet County design criteria related to sight distance for vehicles traveling along the roadway as well as for vehicles entering and exiting the property because of their location at the end of 13<sup>th</sup> Avenue, which dead-ends just past the proposed garage due to the coastal bluff. Therefore the proposed replacement fence and garage, which are to be constructed in basically the same location as the existing structures but inside the property boundaries, also will not obstruct sight lines for traffic on 13<sup>th</sup> Avenue.

The design and location of the replacement garage will not deprive adjacent properties or the neighborhood of light, air, or open space or adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that that the neighboring dwelling is set back approximately 20 feet from the street, such that the front wall of the dwelling is approximately in line with the rear of the proposed garage, and the closest corner of the house on the adjacent parcel will be approximately 12 feet from the rear corner of the proposed garage. In addition, the proposed garage is to be moved one foot further away from the neighboring parcel than the existing nonconforming structure, so that no part of the new structure will encroach over the property line. The fence shall not exceed the height limit that was approved by 76-1143-U, which was approved to construct a six foot high solid board fence along the eastern property boundary within the required front yard setback of the parcel. The design of the new fence also includes a reduced height section adjacent to the coastal bluff as required by the original Coastal Commission approval, to allow for public views of the beach.

Therefore, this finding can be made.

- 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 garage and six foot high fence 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/PR (Single-Family Residential/Parks and Recreation) zone district as the primary use of the property will continue to be one single-

family dwelling with a garage and fenced yard area. The Zoning Ordinance does not allow the replaced garage to be located where proposed unless a Variance is obtained. Findings for a Variance have been made so the location of the replacement garage and its use is consistent with County ordinances.

The replacement fence is proposed to be located just inside the front property line in approximately the location of the existing fence that was approved by 76-1143-U. The replacement fence will not exceed the approved six foot height limit measured from the level of the adjacent street, but the design of the fence has been amended to include for planter pockets on the outside of the wall and to revise the colors and materials of the fence to match the proposed garage. These changes require an Amendment to 76-1143-U. The proposed fence is consistent with the conditions of approval of the 76-1143-U in that the fence will be in approximately the same location as the existing fence, will not exceed six feet in height above the adjacent street and will not extend closer to the coastal bluff than the existing structure. Therefore, this finding can be made.

**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 replacement garage and fenced yard area are consistent with the use and density requirements specified for the Urban Low Residential / Existing Parks and Recreation (R-UL / O-R) land use designation in the County General Plan.

The proposed replacement garage and fence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) because neither the garage nor fence will adversely shade adjacent properties. The proposed fence allows adequate sight distance consistent with road standards specified in the General Plan.

The proposed garage will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that in that the lot coverage will be only 18%, well below the 40% maximum that is allowed. The new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. As proposed the replacement garage includes decorative windows and two separate garage doors to increase the visual interest and to enhance the aesthetic appeal of the structure. The proposed covered walkway that extends along the southern elevation of the proposed garage will terminate at the street with a gated entry that has a matching pitched roof and the line of the replacement fence has been staggered to allow for new planters which will include climbing plants on the street side of the wall to break up the mass of the wall as viewed from the neighborhood and also from the public beach viewing area at the end of the street.

Developed parcels in the area contain both one and two story homes that include both attached and detached garages and that reflect a wide range of sizes and architectural styles. The proposed garage and fence have been designed to be consistent with the range of styles in the area and will result in structures that are consistent with a design that could be approved on any similarly sized lot in the vicinity.

Therefore, this finding can be made.

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.**

The proposed replacement garage and fence are to be constructed on an existing lot developed with a single-family dwelling and garage. The proposed garage and fence will not significantly increase the amount of electricity or utilities used by the current garage and will not generate any additional traffic on the streets in the vicinity, in that any associated electrical lights or gate fixtures will not create a significant draw on electrical utilities, and the enlarged garage and replacement fence will not generate or intensify traffic and no new bedrooms are proposed.

Therefore, this finding can be made.

**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 will be located in a mixed neighborhood containing a variety of architectural styles, and the proposed garage and fence will be compatible with the visual character of the neighborhood in that in that the new garage has been designed in the style of the existing older home on the parcel, with the same roof pitch, colors and materials, and the fence has been designed to match the new garage. The proposed garage and fence will not alter or increase the density or intensity of residential use within the surrounding 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 enlarged garage and replacement fence 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 proposed structures have been designed to blend with the existing older residence on the parcel and therefore the project will not significantly change the character of the existing development.

## Conditions of Approval

**Exhibit A:** Two sheets prepared by Larry Rego Construction and Design, dated May 2012, one sheet as revised October 29, 2012 and one sheet as revised November 11, 2012; three sheets prepared by Michael Arnone and Associates, Landscape Architecture, one sheet as revised December 3, 2012 and two sheets as revised October 30, 2012; and one sheet prepared by Dunbar and Craig, Licensed Land Surveyors, dated July 2012.

- I. This permit authorizes the construction of a 440 square foot replacement garage, attached to the existing single-family dwelling by a breezeway, and to install landscape improvements that include a replacement 6 foot fence within the required front yard, the addition of a cooking island with a propane tank drop-in barbecue grill, a replacement spa on the existing deck area, a fire pit, paving and new plantings in the south side and rear yards. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. 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 an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. 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. Show clearly on the plans that the walls of the garage are set back one foot within the property line and that eaves do not encroach beyond the limits of the parcel.
2. Provide an elevation of the proposed fence to show the entire length from where it attaches to the garage/gate to the coastal bluff. The fence shall not exceed 6 feet in height as measured from the level of the street and the southernmost 12 feet of the fence shall be reduced in height by 2 feet 9 inches as approved by the Coastal Development Permit P-77-933 issued by the California Coastal Commission for the original fence.
3. Elevations of the garage and fence shall indicate materials and colors to match the existing development on the parcel. 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.
4. Grading, drainage, and erosion control plans.
  - a. Please make clear on the plans how the existing garage and brick patio runoff drains. Identify any problems and propose any needed improvements. Please show all existing and proposed drainage features on the plans.
  - b. Please make clear on the plans the locations of the proposed downspouts and indicate how runoff will be directed to a safe point of release. Note: Projects are required to utilize Best Management Practices where feasible to treat development runoff onsite. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.
  - c. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.

5. No additional drainage shall be directed toward the bluff.
  6. The irrigation plan shall be reviewed and approved by the geotechnical engineer prior to building permit approval.
  7. Improvements requiring a building permit, including the placement of utilities for landscaping features, shall be prohibited within 25 feet of the bluff top.
  8. The location of the proposed spa shall be shown on building permit plans. The new spa may be placed on the east facing deck, either in the original location approved by Coastal Development Permit 90-0198, or relocated closer to the home than the approved location, or may be placed in any other alternate location outside of the 25-foot setback from the coastal bluff.
  9. Prior to building permit issuance, the applicant shall submit the geotechnical supplemental letter referenced in the November 6, 2012 letter from Haro, Kasunich and Associates, Inc
- 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. Complete and record a Declaration of Restriction to construct a non-habitable garage. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - 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.

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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: \_\_\_\_\_

\_\_\_\_\_  
Wanda Williams  
Deputy Zoning Administrator

\_\_\_\_\_  
Lezanne Jeffs  
Project Planner

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

## CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 121143  
Assessor Parcel Number: 028-142-13  
Project Location: 120 13th Avenue, Santa Cruz

**Project Description:** Proposal to replace an existing nonconforming detached one car garage with a 440 square-foot two car garage that will be attached to the existing single-family residence by a breezeway, to replace a six-foot high wood fence located within a required 20 foot front yard with a new six foot high wood fence and to install landscape and yard improvements including a replacement spa on the existing deck, paving, a fire pit and a cooking island.

**Person or Agency Proposing Project:** Larry Rego

**Contact Phone Number:** (831) 479 1808

- 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 - New Construction or Conversion of Small Structures (Section 15303)

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

Construction of a replacement garage and landscape improvements at an existing single-family dwelling in an area designated for residential use.

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

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

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

Application #: 121143  
APN: 028-142-13  
Owner: Reed Geisreiter

Return recorded form to:

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

Attention: Lezanne Jeffs  
Application #: 121143

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Notice

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

## Conditions of Approval

Development Permit No. 121143  
Property Owner: Reed Geisreiter  
Assessor's Parcel No.: 028-142-13

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**Exhibit A:** Two sheets prepared by Larry Rego Construction and Design, dated May 2012, one sheet as revised October 29, 2012 and one sheet as revised November 11, 2012; three sheets prepared by Michael Arnone and Associates, Landscape Architecture, one sheet as revised December 3, 2012 and two sheets as revised October 30, 2012; and one sheet prepared by Dunbar and Craig, Licensed Land Surveyors, dated July 2012.

- I. This permit authorizes the construction of a 440 square foot replacement garage, attached to the existing single-family dwelling by a breezeway, and to install landscape improvements that include a replacement 6 foot fence within the required front yard, the addition of a cooking island with a propane tank drop-in barbecue grill, replacement of a spa on the existing deck area and paving improvements and new plantings in the south side and rear yards. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Demolition Permit from the Santa Cruz County Building Official.
  - C. 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 an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
  - E. 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. 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. Please make clear on the plans how the existing garage and brick patio runoff drains. Identify any problems and propose any needed improvements. Please show all existing and proposed drainage features on the plans.
  - b. Please make clear on the plans the locations of the proposed downspouts and indicate how runoff will be directed to a safe point of release. Note: Projects are required to utilize Best Management Practices where feasible to treat development runoff onsite. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping, etc.
  - c. For fee calculations please provide tabulation of new impervious and semi-impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing (50%) to offset costs and encourage more extensive use of these materials.
3. No additional drainage shall be directed toward the bluff.
4. The irrigation plan shall be reviewed and approved by the geotechnical engineer prior to building permit approval.

5. Improvements requiring a building permit, including the placement of utilities for landscaping features, shall be prohibited within 25 feet of the bluff top.
  6. The location of the proposed spa shall be shown on building permit plans. The new spa may be placed on the east facing deck, either in the original location approved by Coastal Development Permit 90-0198, or relocated closer to the home than the approved location, or may be placed in any other alternate location outside of the 25-foot setback from the coastal bluff.
  7. Prior to building permit issuance, the applicant shall submit the geotechnical supplemental letter referenced in the November 6, 2012 letter from Haro, Kasunich and Associates, Inc
- 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. Complete and record a Declaration of Restriction to construct a non-habitable garage. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - 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.

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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: \_\_\_\_\_



By signing below, the owner agrees to accept the terms and conditions of approval of Application 121143 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 121143 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



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## County of Santa Cruz Planning Department

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### 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 4<sup>th</sup> 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.**

Project No. SC9803  
31 May 2012

REED GEISREITER  
120 13<sup>th</sup> Avenue  
Santa Cruz, California 95062

Subject: Proposed Garage Expansion  
Impact from Adjacent Coastal Bluff

Reference: 120 30<sup>th</sup> Avenue  
Santa Cruz, California

Dear Mr. Geisreiter:

As project geotechnical and coastal engineers for maintenance of the existing rock revetment, coastal protection structure at the referenced property we presented recommendations for and inspected the repair of the revetment structure located against the coastal bluff in front of your residential structure. The riprap rock that had drifted seaward onto the beach was salvaged and replaced on the revetment structure in appropriate areas.

You propose to expand your garage by widening it 12 feet seaward. This expansion will cover an existing grouted brick patio area. The top of the coastal bluff is located 85 to 100 feet from the existing garage building. It is our opinion the expansion of the single car garage to a two car garage as proposed will not negatively impact the coastal bluff; nor will the coastal bluff impact the proposed garage addition over the next 100 years if the existing rock revetment structure is maintained.

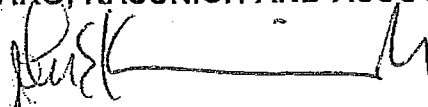
The proposed garage expansion will cover an existing grouted brick patio area. The proposed increase in impermeable area due to expanded roof coverage over an existing impermeable patio area will result in no change to storm water infiltration rates at the reference property.

Reed Geisreiter  
Project No. SC9803  
120 30<sup>th</sup> Avenue  
31 May 2012  
Page 2

If you have any questions, please call our office.

Very truly yours,

**HARO, KASUNICH AND ASSOCIATES, INC.**

A handwritten signature in black ink, appearing to read "John E. Kasunich", written over a horizontal line.

John E. Kasunich  
G.E. 455

JEK/dk  
Copies: 1 to Addressee  
1 to Larry Rego

Project No. SC9803  
6 November 2012

MR. LARRY REGO  
P. O. Box 1878  
Capitola, California 95010

Subject: Response to Incomplete Application  
Additional Information Required from  
County of Santa Cruz Planning Department  
Application #121143  
APN 028-142-13

Reference: 120 Thirteenth Avenue  
Santa Cruz, California

Dear Mr. Rego:

At your request, we reviewed the most recent plans for the Giesreiter residence hardscape by Michael Arnone and Associates. The plans are also in a response to the Incomplete and Additional Information Request by Santa Cruz County dated 1 October 2012. Specifically we focused on Sheets L-1 and L-2, revision date 30 October 2012.

The revised plans show the full extent of existing and new concrete paving areas and indicate clearly where the new paving will extend beyond the limits of the current concrete paved area. Portions of the new and old concrete paving area do lie within the 25 foot setback from the edge of the coastal bluff. The proposed installation of the new concrete paving and the gradients to be established for drainage of this new concrete pavement area are positive. They direct storm water flow away from the coastal bluff towards a drainage inlet box as recommended in our geotechnical supplemental letter. The proposed concrete pavements will not negatively affect drainage. The new concrete pavements and the old concrete pavements flow positively to a drainage inlet that carries water away from the coastal bluff where it is discharged in a proper manner in a historic outlet on the northeast side of the reference property.

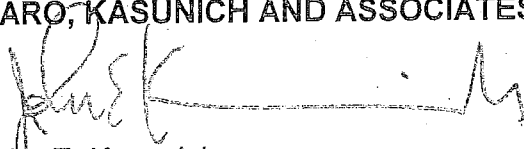
Based on our review of the County letter and the most updated landscape plans, it is our opinion that all geotechnical aspects of the proposed development have been adhere to.

Mr. Larry Rego  
Project No. SC9803  
120 Thirteenth Avenue  
6 November 2012  
Page 2

If you have any questions, please call our office.

Respectfully Submitted,

**HARO, KASUNICH AND ASSOCIATES, INC.**



John E. Kasunich  
G.E. 455

JEK/dk

Copies:

3 to Addressee  
1 to Reed Geisreiter  
120 13<sup>th</sup> Avenue  
Santa Cruz, California 95062

# FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO THE ACCURACY OF THE ASSUMES ANY LIABILITY FOR OTHER USES NOT TO BE ASSUMED. ALL RIGHTS RESERVED.  
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

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

Tax Area Code  
82-040

28-14

SHORE ACRE SUB. TR # 64  
28MB37 7/16/1946

LAGOON

ARBITRARY DIVISION LINE

PROSPECT ST

FOURTEENTH AVE

THIRTEENTH AVE

31PM30  
1/9/1979

43PM40  
12/1/1983

103RS24  
3/1/2003

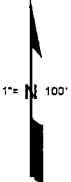
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

BAY OF MONTEREY

68RS24  
12/17/1979

115RS14  
3/22/2003

ROCK SHELF

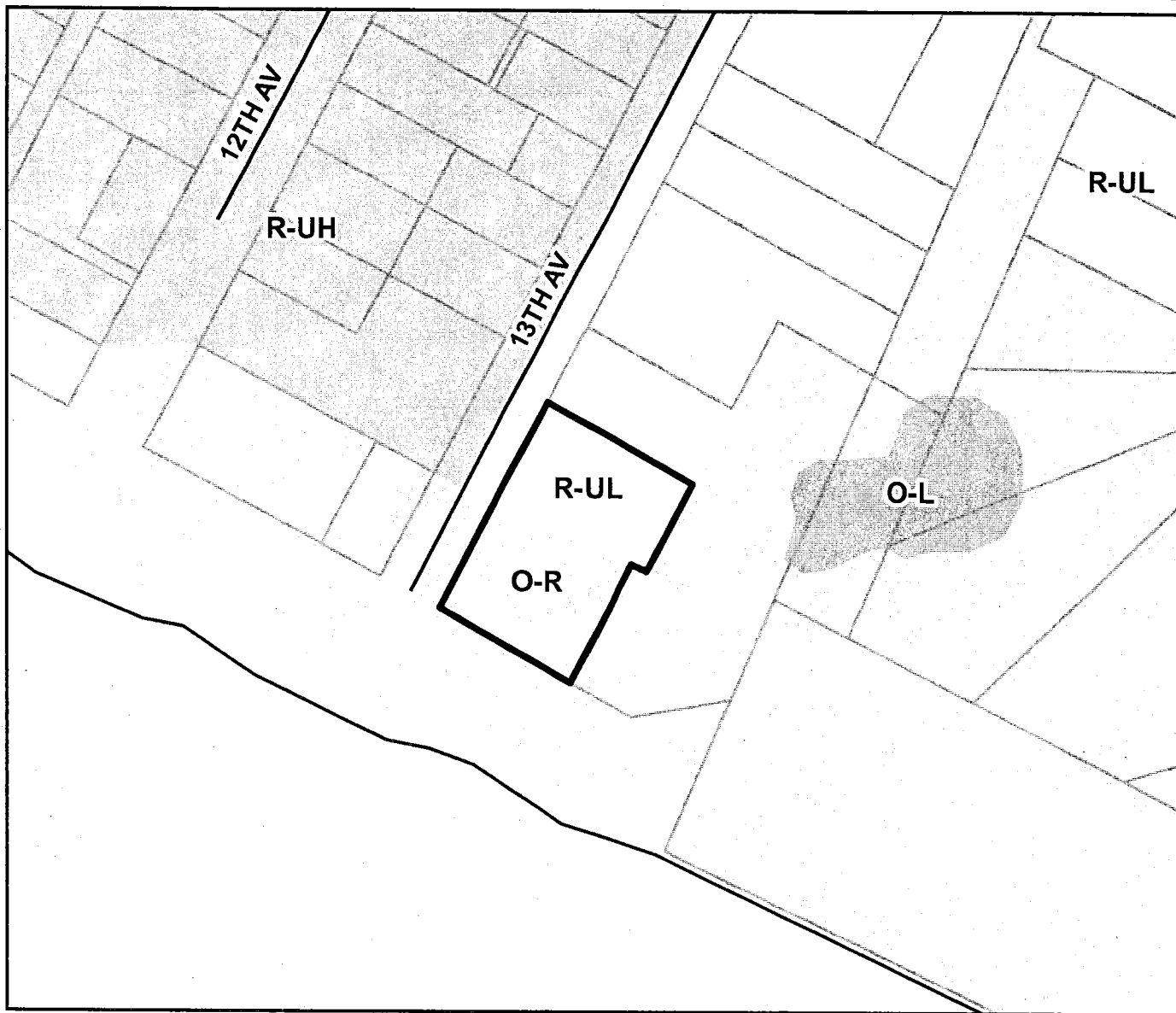


Rev. 4/29/98 GG (CA consolidation)  
Rev. 8/27/98 (Per. from pg. 21) rw  
Rev. 10/14/99 CB (B-0039721, LBA 3-44 & 45)  
Rev. 4/4/01 mvm (changed page refs.)  
Rev. 7/31/01 CB (Added link to I, 2-38)  
Rev. 5/19/03 CB (103RS24)  
Rev. 11/29/05 mvm (5-0052921, LBA 1-46 & 47)  
Rev. 2/24/10 CB (115RS14)

Assessor's Map No. 28-14  
County of Santa Cruz, Calif.  
April 1998



# General Plan Designation Map



## LEGEND

- APN: 028-142-13
- Assessors Parcels
- Streets
- County Boundary
- Residential - Urban Low Density
- Parks and Recreation
- Residential - Urban High Density
- Lake

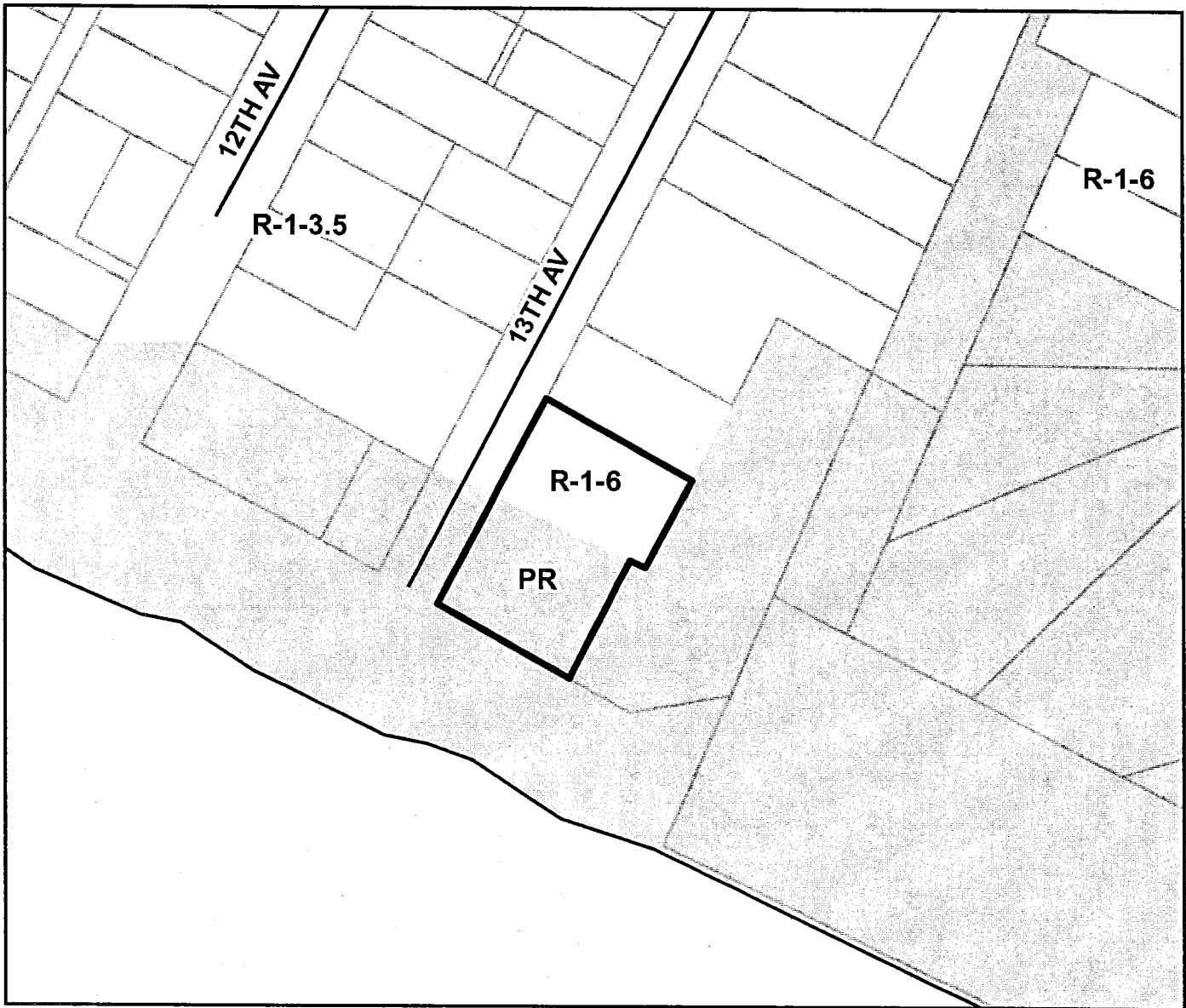


Map Created by  
County of Santa Cruz  
Planning Department  
June 2012



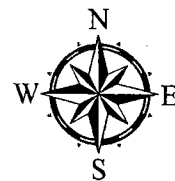


# Zoning Map



## LEGEND

-  APN: 028-142-13
-  Assessors Parcels
-  Streets
-  County Boundary
- RESIDENTIAL-SINGLE FAMILY
- PARK

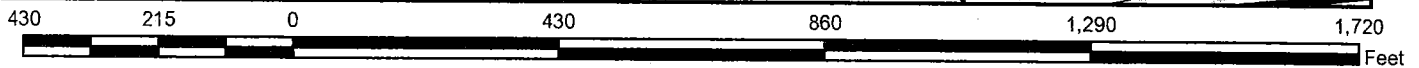
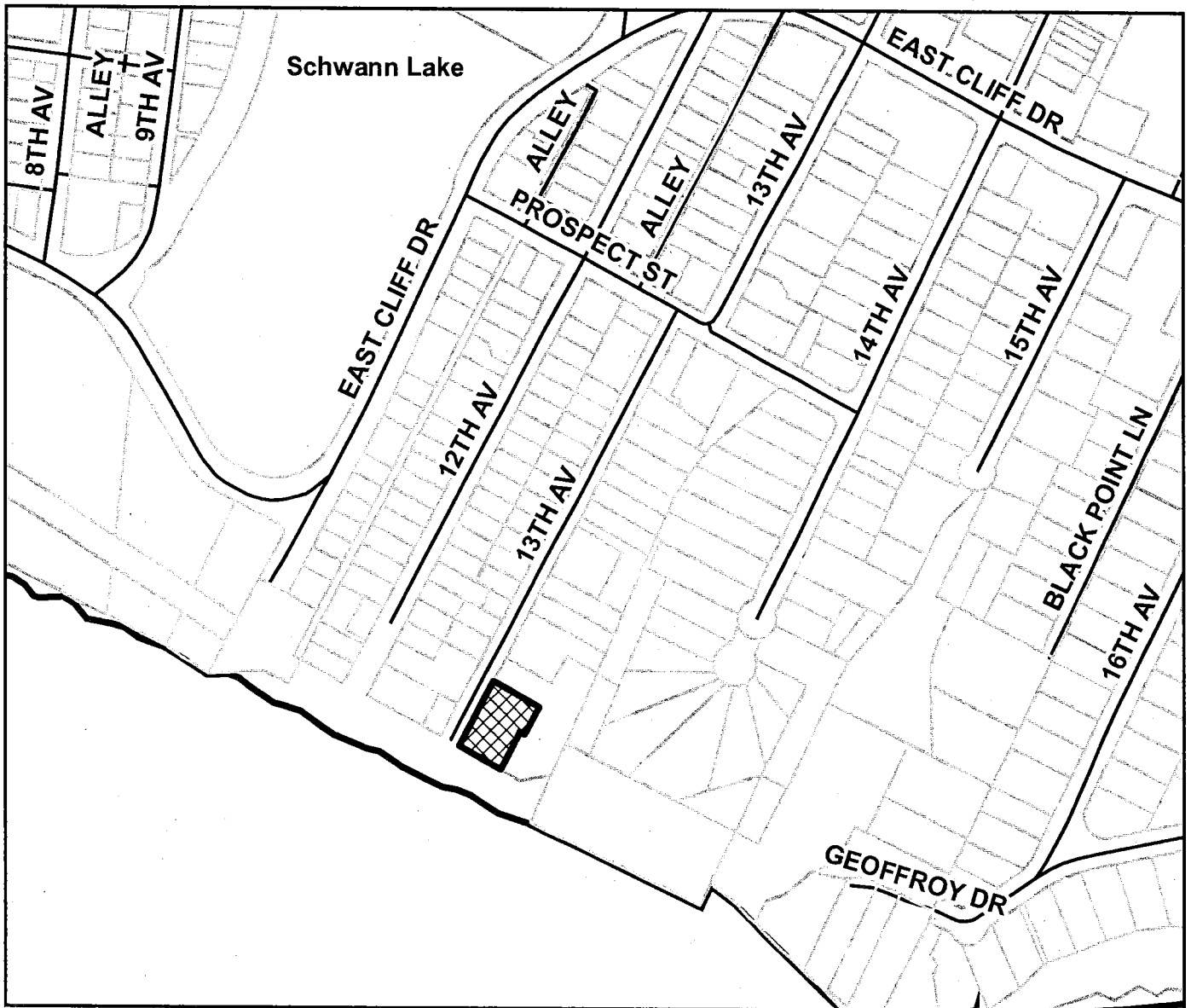


Map Created by  
County of Santa Cruz  
Planning Department  
June 2012






EXHIBIT F

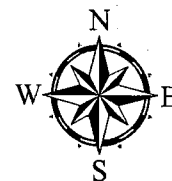


# Location Map



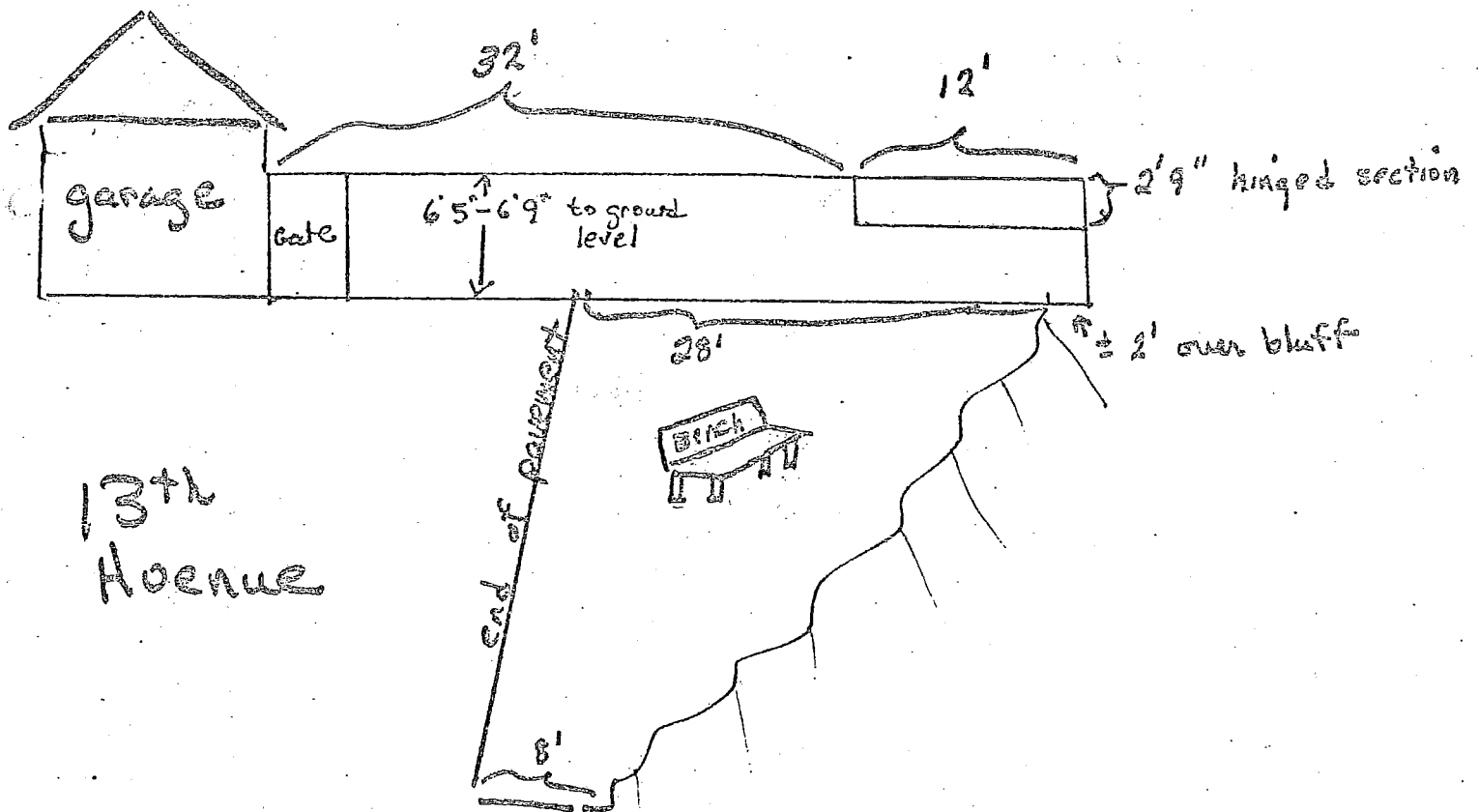
## LEGEND

-  APN: 028-142-13
-  Assessors Parcels
-  Streets
-  County Boundary
-  Lakes



Map Created by  
County of Santa Cruz  
Planning Department  
June 2012

EXHIBIT F



(new) existing fence

CENTRAL COAST REGIONAL COMMISSION  
701 OCEAN STREET, ROOM 310  
SANTA CRUZ, CALIFORNIA 95060  
PHONE: (408) 426-7390



# PERMIT

November 29, 1977

William E. Geisreiter  
2496 Larkspur Lane # 207  
Sacramento, CA. 95825

Dear Applicant:

Re: Regional Coastal Commission  
Permit Application No. P-77-933

Pursuant to Public Resources Code Section 30600, your application for a permit to perform the work described in the above numbered application has been granted by the Central Coast Regional Commission in accordance with Resolution No. 77-325, passed on 11-14-77; a copy of the resolution is attached hereto and made a part of this permit.

Please note:

(1) That this permit will become effective only when you have returned to the Regional Commission the enclosed copy of this letter, within 10 working days signed by you acknowledging thereon that you have received a copy of this letter and that you accept its contents.

(2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.

(3) This permit is issued subject to the conditions stated in attached documents, and approved plans on file with the Regional Commission. Unless otherwise provided in the conditions, all proposed changes must be submitted to the Commission prior to construction thereof.

(4) Development under this permit must be commenced within one year of issuance.

Very truly yours,

Edward Y. Brown  
Executive Director

(I) (We) acknowledge receipt of the above captioned Regional Commission Permit and accept its contents.

  
Signed  
Dated

Attachment

CENTRAL COAST REGIONAL COMMISSION  
701 OCEAN STREET, ROOM 310  
SANTA CRUZ, CALIFORNIA 95060  
PHONE: (408) 426-7390



# PERMIT

January 24, 1978

William E. Geisreiter  
2496 Lakespur Lane  
Sacramento, CA. 95825

Dear Applicant:

Re: Regional Coastal Commission  
Permit Application No. P-77-933

Pursuant to Public Resources Code Section 30600, your application for a permit to perform the work described in the above numbered application has been granted by the Central Coast Regional Commission in accordance with Resolution No. 78-1, passed on 1-10-78; a copy of the resolution is attached hereto and made a part of this permit.

Please note:

(1) That this permit will become effective only when you have returned to the Regional Commission the enclosed copy of this letter, within 10 working days signed by you acknowledging thereon that you have received a copy of this letter and that you accept its contents.

(2) That upon completion of the development authorized by this permit you are required to notify the Regional Commission of such completion on the enclosed form provided for that purpose.

(3) This permit is issued subject to the conditions stated in attached documents, and approved plans on file with the Regional Commission. Unless otherwise provided in the conditions, all proposed changes must be submitted to the Commission prior to construction thereof.

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Very truly yours,

Edward Y. Brown  
Executive Director

(I) (We) acknowledge receipt of the above captioned Regional Commission Permit and accept its contents.

Signed

Dated

Attachment

