NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

County of Santa Cruz

FINAL LOCAL ACTION NOTICE

REFERENCE # 3-SCO-10-084

APPEAL PERIOD 5/5-5/18/2010

RECEIVED

MAY 04 2010

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Date of Notice: April 29, 2010

Notice Sent to (via certified mail):
California Coastal Commission
Central Coast Area Office
725 Front Street, Ste. 300
Santa Cruz, CA 95060

Please note the following **Final Santa Cruz County Action** on a coastal permit, coastal permit amendment or coasta permit extension application (all local appeals have been exhausted for this matter):

Project Information

Application No.: 10-0080
Project Applicant: Alex & Kristine Ingram
Applicant's Rep: Dennis Norton, designer
Project Location: 7 Rockview Drive, Santa Cruz

Project Description: Proposal to amend Coastal Permit 09-0142, which authorized an addition and remodel to an exi single family dwelling, to approve an increase in the size of the second story to add 508 sq. ft. of living space and 12 ft. of covered deck, to delete condition of approval IV C which refers to the validity of the original coastal approval, an carry forward approvals from 2007 for a greater than 800 sq. ft. addition to a non conforming structure and a variance exceed the 50% limit on driveways in the front yard. Requires an amendment to Coastal Development Permit 09-014 variances to increase the Floor Area Ratio from the required 50% to about 60% and to exceed the 50% limit on drive in the front yard, and a Residential Development Permit for a greater than 800 sq. ft. addition to a non conforming structure. The project is substantially the same project that was approved by the County in 2008

Final Action Information

Final Local Action: Approved with Conditions

Final Action Body:
___ Zoning Administrator
_X_ Planning Commission
___ Board of Supervisors

Required Materials Supporting the Final Action	Enclosed	Previously sent (date)
Staff Report	X	
Adopted Findings	X	
Adopted Conditions	X	
Site Plans	X	
Elevations	X	

Additional Materials Supporting the Final Action	Enclosed	Previously sent (date)
CEQA Document	X	
Geotechnical Reports		
Biotic Reports		
Other:		
Other:		

Coastal Commission Appeal Information

This Final Action is appealable to the California Coastal Commission. The Coastal Commission's 10-working day a period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. such appeal must be made directly to the California Coastal Commission Central Coast Area Office in Santa Cruz; t is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the Central Coast Area Office at the address listed above, or by phone at (831) 427-4863.

Copies of this notice have also been sent via first-class mail to:
- Applicant
- Interested parties who requested mailing of notice

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(page 1 of 109 pages)

RECEIVED
MAY 04 2010
CALIFORNIA COASTAL COMMISSION
CENTRAL COAST AREA

Staff Report to the Planning Commission

Application Number: 10-0080

Applicant: Dennis Norton
Owner: Alex & Kristine Ingram, Trustees
APN: 028-304-23

Agenda Date: April 14, 2010
Agenda Item #: 7
Time: After 9:00 a.m.

Project Description: Proposal to amend Coastal Permit 09-0142, which authorized an addition and remodel to an existing single family dwelling, to approve an increase in the size of the second story to add 508 sq. ft. of living space and 125 sq. ft. of covered deck, to delete condition of approval IV C which refers to the validity of the original coastal approval, and to carry forward approvals from 2007 for a greater than 800 sq. ft. addition to a non conforming structure and a variance to exceed the 50% limit on driveways in the front yard. Requires an amendment to Coastal Development Permit 09-0142, variances to increase the Floor Area Ratio from the required 50% to 59% and to exceed the 50% limit on driveways in the front yard, and a Residential Development Permit for a greater than 800 sq. ft. addition to a non conforming structure. The project is substantially the same project that was approved by the County in 2008.

Location: Property located on the south side of North Palisades at 7 Rockview Drive.

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

Permits Required: Amendment to Coastal Development Permit 09-0142, Variances to increase the floor area ratio from the maximum 50% to 59% and to exceed the 50% limit on driveways in the front yard, and a Residential Development Permit for an addition greater than 800 sq. ft. to a non conforming structure.

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0080, based on the attached findings and conditions.

Exhibits

A.	Project plans 10-0080	F.	Coastal Permit 07-0755
B.	Findings	G.	Minor Variation 09-0142
C.	Conditions	H.	Building Permit 152272-1
D.	Categorical Exemption (CEQA determination)	I.	Partial project plans for Permits 07-0755 and 09-0142
E.	Assessor's, Location, Zoning and General Plan Maps		

Parcel Information

Parcel Size:	5,853 square feet (gross), 3,425 square feet (net)
Parcel Dimensions:	25 foot width; 300-350 foot length
Existing Land Use - Parcel:	Single-Family Dwelling
Existing Land Use - Surrounding:	Single-Family Residential
Project Access:	Palisades Avenue, 20' right-of-way
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5 (Single-family residential - 5,000 square feet net developable area per dwelling unit)
Coastal Zone:	X Inside ___ Outside
Appealable to Calif. Coastal Comm.	X Yes ___ No

Environmental Information

Geologic Hazards:	Geologic Hazards Assessment, Geologic Report Review and Wave run-up analysis completed in 2008. Project required to comply with recommendations of these reports.
Soils:	N/A
Fire Hazard:	Not a mapped constraint
Slopes:	Site is flat to edge of coastal bluff
Env. Sen. Habitat:	Mapped as containing Santa Cruz tarplant and Zayante band-winged grasshopper; no physical evidence identified on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	X Inside ___ Outside
Water Supply:	Santa Cruz Water Department
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

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Project Setting

The subject property is located on the south side of South Palisades Avenue and has a site address of 7 Rockview Drive, though the property has no vehicular access from Rockview. The subject property is approximately 300-350 in length and 25 feet across. This width is half the minimum required width of 50 feet in the R-1-5 zone district. The site fronts on the ocean, with approximately 2,178 square feet defined as Coastal Bluff, per Chapter 16.10 of the County Code. This includes the vertical bluff and the extensive rock shelf at the base of the bluff. A pedestrian easement crosses the

site along an existing sea wall near the top of the bluff. The easement does not provide vehicular access and is therefore not deducted in the calculation for net site area.

The parcel is developed with a two-story single-family dwelling that is currently under construction; a stop work order and suspension of the building permit is currently in effect.

Permit History

The initial coastal permit issued for the property was permit 07-0755, approved in November 2008, which authorized an extensive remodel and second story addition to an existing non-conforming single-story residence. The remodel consisted of reconfiguring and adding 90 square feet to the first story, demolishing the non-conforming 432 square foot garage and replacing it with a conforming 232 square foot garage, and constructing a new second story (965 sq.ft.) and deck (60 sq.ft.). A Coastal Development Permit, Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, a Variance to devote more than 50% of the front yard with driveway and a Variance to reduce the required east side yard from 5 feet to approximately 2 feet (to accommodate a new stairway) were approved. There was minimal public comment regarding the project and there were no objections by neighbors in advance of or during the public hearing.

No subsequent building permits were issued and permit 07-0755 was not exercised.

In April 2009, the applicant applied for a Minor Variation to reduce the scope of the proposed construction. Minor Variation 09-0124 revised permit 07-0755 by increasing the size of the proposed garage, decreasing the second story addition from 965 square feet to 440 square feet and by increasing the area of the proposed second story deck from 60 square feet to 98 square feet. The revision resulted in a second story that was approximately half the size of that approved in 2008. Minor Variation 09-0142 also resulted in the elimination of the previously permitted exterior stairs that encroached into the side yard setback.

Minor Variation 09-0142 approved in July 2009 includes condition IV. C; which is a non-standard condition of approval which states:

> "This minor variation permit shall supercede Permit 07-0755 once this minor variation permit has been exercised. This shall prohibit the construction of the project plans approved by 07-0755 at any time after issuance of the building permit for this revised project."

The property owners signed the permit and acknowledged the conditions of approval on July 28, 2009. The applicants recorded the Conditions of Approval on the property deed. The Minor Variation was subsequently exercised by issuance of Building Permit 152272 on August 13, 2009.

On January 21, 2010, while construction was underway, the applicant applied for a change order to building permit 152272 to increase the size of the second story by about 508 square feet and replace the 60 sq. ft. deck that was under construction with a 125 sq. ft. deck (88 sf covered; 37 sf uncovered; the covered deck area counts in the FAR calculation). The change order modified the project from the downsized version that was authorized by 09-0142 back to a configuration similar to the one originally authorized by Coastal Permit 07-0755; resulting in a second story addition 17 square feet smaller and a deck 65 square feet larger than the 2008 project.

Though the change order was very similar to the project that had received a public hearing and Zoning Administrator approval in 2008, Condition IV C of the minor variation, referenced above, specifically stated that the original permit had been superceded. The change order therefore should not have been approved by the Planning Department, as approval of an amendment to coastal permit 09-0142 is needed to formalize the return to the larger-sized home. However, an amendment was not processed and the Change Order Building Permit 152272-1 was issued, in error, by the Planning Department on February 9, 2010. The planner who approved the change order did so based on a determination that the coastal and development permits approved in November 2008 for substantially the same project had not expired, and that planner's intent when placing the non-standard Condition IV C on the project in July 2009 being oriented to no longer allowing the exterior stairway encroachment into the side yard.

At the end of February of this year, the Planning Department received a complaint from the owner of the adjacent parcel (APN 028-304-064) that the construction occurring at 7 Rockview exceeded the work authorized by Coastal Permit 09-0142. The neighbor stated his concern about the loss of ocean views resulting from the expanded second story and deck (particularly the deck's impact on views). While private views are not protected by County Codes or General Plan policies, nonetheless, a publicly noticed hearing to amend the coastal and other permits should have preceded the approval of the change order. A stop work order was issued on February 25, 2010, and on March 15, 2010 the Planning Department formally suspended the change order building permit. Pending the outcome of the subject application, that building permit will need to be either further amended or revoked.

Shortly after the approval of Minor Variation 09-0142, in June 2009, the county's definition of net site area (section 13.10.700 -S of the County Code) was amended to require that coastal bluff areas be deducted from gross site area. On the subject property the deduction is substantial because of the form of the coastal bluff. Both the typical vertical face of the bluff and the more level bedrock shelf at the base are deducted. The result is that net site area decreased by 38% when Ordinance 5042 took effect on May 5, 2009. The code change resulted in a loss of over 2,000 square feet from the subject parcel and therefore the floor area ratio (FAR), a function of net site area, increased from approximately 40% at the time the coastal permit was approved in 2008 to 59% at present, even though the amount of floor area in the project remained virtually the same. A variance to allow the FAR to exceed the 50% maximum in the code is therefore now necessary and is included in this proposal. The following table compares the different versions of the project:

	Existing In 2007	Approved in Nov 2008 07-0755	Approved in July 2009 09-0142	Proposed April 2010 10-0080
1st Floor *Living Space*	784 sq ft	874 sq ft	874 sq ft	874 sq ft
2nd Floor *Living Space*	N/A	965 sq ft	440 sq ft	948 sq ft
Total Home Living Space	784 sq ft	1,839 sq ft	1,314 sq ft	1,822 sq ft
2nd Floor *Covered Deck*	N/A	15 sq ft	98 sq ft	88 sq ft
Total of SF Counted in FAR*	**784 sq ft***	**1,872 sq ft***	**1,509 sq ft***	**2,007 sq ft***
2nd Floor *Uncovered Deck*		45 sq ft	N/A	37 sq ft
Garage	432 sq ft	243 sq ft	322 sq ft	322 sq ft
Site Standards				
Net Site Area	5,603	5,603	5,603	**3,425**
FAR	**18%**	**33%**	**27%**	**59%**
Lot Coverage	21%	21%	21%	**36%**
Building Height	N/A	26'6"	26"-6"	**23'-3"**

* Total area counted toward FAR includes garage area less standard 225 sq ft deduction

Project Description

The applicant is requesting the County to recognize and approve permits for the project as it was described in Change Order Building Permit 152272-1. This work consists of adding 508 square feet of living space to the second story and 125 square feet of deck (88 sq ft covered and 37 sq ft uncovered) to replace the 98 square foot covered deck authorized by Minor Variation 09-0142. The result will be a 1,822 square foot two-story single-family dwelling, 322 square foot attached garage and 125 square foot second story deck.

Permit and Approval Procedures

According to Sections 18.10.136 and 12.10.340 of the County Code, any permit issued in error or in violation of regulations may be revoked, or amended in lieu of revocation, by the Building Official, Planning Commission or Board of Supervisors. County Code further states that the County shall provide the permittee a reasonable opportunity to correct the permit and adequate time to pursue such correction.

Approval of this application will correct the lack of discretionary approvals for the construction that relied upon Change Order Building Permit 152272-1, allowing the suspended permit to be re-activated and construction to proceed. Denial of the amendment and variances will result in the initiation of permit revocation proceedings and require the demolition of the work performed under issued Change Order Building Permit 152272-1. Another alternative is modification of the proposed project, such as to "uncover" the second story deck, which would reduce the FAR to 56%.

This coastal permit application would normally be processed as a Level 5 project with a hearing before the Zoning Administrator (ZA). The 2008 original coastal permit was approved by the ZA. However, in accordance with County Code 18.10.124, the Planning Director has referred the project to your Commission in recognition of the fact that your Commission would hear any revocation proceedings or any appeal of a ZA decision, and therefore is best situated to evaluate the proposed correction that may avoid such proceedings.

Zoning & General Plan Consistency

The subject property is 5,853 gross square feet in area. Deductions for coastal bluff and South Palisades right-of-way areas result in a net site area of 3,425 square feet. The site is located in the R-1-5 (Single-family residential - 5,000 square feet net developable area per dwelling unit) zone district, a designation that allows residential uses. The proposed residential addition is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

Variance

The existing dwelling encroaches into both side yard setbacks on the first floor, as do many of the neighboring houses along Rockview Drive and South Palisades, and therefore is a non-conforming structure. The proposed second-story addition will conform to all setbacks but due to the recent changes in the County's definition of net site area, will result in a Floor Area Ratio (FAR) of 59%. The applicant has requested a variance to the 50% FAR requirement to allow the proposed construction, which generally conforms to the configuration of the dwelling approved in 2008 under Coastal Development Permit 07-0755. Under the previous definition of net site area, the proposed development would result in an FAR of approximately 35%. Given that the proposed additions do not represent actual increase in bulk, size or mass, and that the new deck is consistent with the profile approved in 2008, the granting of the variance to approve the additions will not negatively impact surrounding properties. In particular, private views are not protected by County Codes or General Plan policies.

With respect to properties in the vicinity of the subject lot, it is apparent that many existing structures have become non-conforming as a result of the change in the net site area regulation. This is largely due to the unique configuration of the coastal bluff in this area, which comprises a large percentage of the gross site area for many parcels. For example, a Coastal Permit issued for the property at 3 Rockview Drive (Permit 08-0169) authorized the construction of a 2,280 square foot two-story dwelling and 281 square foot garage. While the FAR was 46% for the project at 3 Rockview Drive at the time of approval in December of 2008, the FAR under the new regulations would increase to 61%. Without approval of the variance to FAR, the subject properly would be unfairly penalized by the change in rules in contrast to surrounding properties, which have been able to replace or upgrade older homes without being subjected to the same reduction in net site area.

It is also worth noting that the current proposal represents a reduction in height of 3 feet, 3 inches from the previously approved structure. The reduction in height will help to reduce the impact of the second story addition to the surrounding properties.

Local Coastal Program Consistency

The proposed residential addition 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. The property is within a row of eight rectangular lots, which include the coastal bluff and the south facing rock shelf. Only one of the small, 1920's era homes is left at this time.

Homes in this row have been modernized, including approvals in 2008 for an approximately 3300 sq. ft. home at 2868 South Palisades and an approximately 2200 sq. ft. home at 3 Rockview Drive, which replaced one of the remaining bungalows and also relied on a variance for a driveway over greater than 50% of the front yard.

The proposed home, approximately 1800 sq ft after the addition, and height of approximately 23 feet, is consistent with the surrounding neighborhood. Further, the development is consistent in terms of architectural style and configuration. Homes along Rockview are a variety of sizes and forms ranging from the remaining small, one-story 1920's era bungalow; through a 1960's duplex; to new, larger, two-story single family homes. The design of the project is consistent within this range.

Lastly, the structure utilizes a low-pitched roof design and stepped back second story, as well as a shingled siding on the second story, to help minimize the apparent mass of the structure. The proposed addition and deck match the style of the existing house and are in general conformance with the design and style originally approved in 2008 under Coastal Development Permit 07-0755. The overall configuration and appearance is similar to that of surrounding structures occupying lots of substandard width (the subject lot is 25 feet wide).
Although the project site is located between the shoreline and the first public road, the site does not afford public access to the shoreline because wave run-up prevents access. Consequently, the residential addition will not interfere with public access to the beach, ocean, or any nearby body of water. There is an existing, ten-foot wide pedestrian easement at the rear of the home which is not affected by the project. Further, there is established public access at the east end of Rockview, approximately 100 feet from the site. Lastly, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

Design Review

The addition complies with the requirements of the County Design Review Ordinance, in that the project is substantially the same as the design originally approved in 2008 under Coastal Development Permit 07-0755, which was reviewed and approved by the County Designer prior to approval at a public hearing. The proposed project provides a nicely designed structure that utilizes a reduced roof pitch, and stepped-back second story to complement and work with the narrow lot width. The use of shingles on the second floor, belly band between floors, and articulation along the east and west elevations help to break up the massing and presents an attractive oceanfront appearance. The proposed addition and deck match the style of the existing house and are in general conformance with the design and style originally approved under Coastal Development Permit 07-0755.

CCC Exhibit 1
(page 8 of 109 pages)

Environmental Review

In 2008 the Zoning Administrator certified that the original proposal was exempt from further environmental review under the California Environmental Quality Act. Similarly, environmental review has not been required for the subject project per the requirements of CEQA. The project is exempt per the attached Notice of Exemption, Exhibit D.

Conclusion

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

Staff Recommendation

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

- **APPROVAL** of Application Number **10-0080,** based on the attached findings and conditions.

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: _____

Robin Bolster-Grant
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5357
E-mail: robin.bolster@co.santa-cruz.ca.us

Report Reviewed By: Paia Levine by EMP

Paia Levine
Principal Planner
Santa Cruz County Planning Department

I N G R A M

Residence

GENERAL INFORMATION

SITE AREA: 5,219 SQ. FT. NET, 5,653 SQ. FT. GROSS — ZONE: R-1-5

BUILDING:	
EXISTING:	
EXISTING LIVING	1,385 SQ. FT.
EXISTING GARAGE	322 SQ. FT.
EXISTING DECK	98 SQ. FT.
TOTAL EXISTING	1,805 SQ. FT.
PROPOSED ADDITION:	
LIVING ADDITION	398 SQ. FT.
DECK ADDITION	27 SQ. FT.
TOTAL PROPOSED:	
TOTAL PROPOSED LIVING	1,781 SQ. FT.
PROPOSED UPPER DECK	125 SQ. FT.
EXISTING GARAGE	322 SQ. FT.
TOTAL PROPOSED	2,228 SQ. FT.

THE DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES IN DIMENSIONS, FIELD CONDITIONS, OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR DIFFERS FROM THESE DOCUMENTS. THESE DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE DESIGNER DISCLAIMS ANY RESPONSIBILITY RESULTING FROM THEIR UNAUTHORIZED USE. COPYRIGHT PROTECTION STARTS FROM THE EARLIEST DATE OF THE DESIGN CONTRACT, PRELIMINARY DESIGN WORK, OR THE CONSTRUCTION DOCUMENTS.

LEGEND OF SHEETS

PAGE	TITLE
1	COVER SHEET, PROJECT INFO
2	SITE & DRAINAGE PLAN
2a	SURVEY
3	EXISTING FLOOR PLANS
4	PROPOSED FLOOR & ROOF PLANS
5	ELEVATIONS

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EXHIBIT A

N O T E S

GENERAL:

1. PROJECT SHALL COMPLY WITH THE 2007 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, FIRE AND ENERGY CODES.
2. CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES IN THE FIELD.
3. VERIFY THE STABILITY OF ALL ELEMENTS BEFORE DOING ANY WORK, AND PROVIDE SHORING, BRACING AND/OR SUPPORT AS REQUIRED.
4. VERIFY ALL GRADES AND DIMENSIONS IN FIELD. WRITTEN DIMENSIONS SHALL SUPERCEDE SCALED DRAWINGS. CONTACT DESIGNER IF ANY DISCREPANCIES EXIST.
5. CONTRACTOR SHALL REMOVE ALL DEBRIS PROMPTLY AND KEEP CONSTRUCTION SITE ORDERLY.
6. PLUMBING AND MECHANICAL PLANS WILL BE SUBMITTED BY THE CONTRACTOR.
7. NO PERSON MAY TAP INTO ANY FIRE HYDRANT FOR ANY PURPOSE OTHER THAN FIRE SUPPRESSION OR AID, WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE WATER SUPPLIER AND FROM COUNTY HEALTH DEPT.
8. ALL HOSES USED IN CONNECTION WITH ANY CONSTRUCTION ACTIVITIES SHALL HAVE A SHUT OFF NOZZLE. WHEN AN AUTOMATIC SHUTOFF NOZZLE CAN BE OBTAINED FOR THE SIZE/TYPE OF HOSE USED, PROVIDE AUTOMATIC SHUTOFF NOZZLE.
9. NO POTABLE WATER MAY BE USED FOR COMPACTION OR DUST CONTROL IN CONSTRUCTION ACTIVITIES WHERE THERE IS REASONABLY AVAILABLE RECLAIMED OR SUB-POTABLE WATER APPROVED BY THE COUNTY HEALTH DEPT.
10. ALL WORK AND CONSTRUCTION SHALL COMPLY WITH THE 2007 CALIFORNIA BUILDING CODE (CBC), AND ALL OTHER APPLICABLE BUILDING CODES, REGULATIONS AND SAFETY REQUIREMENTS.
11. PERMANENT PROPERTY CORNER HUBS ARE REQUIRED TO BE IN PLACE PRIOR TO FOUNDATION INSPECTION.

SITE:

1. FINISH GRADE SHALL SLOPE (MINIMUM 2%) AWAY FROM STRUCTURE.
2. ALL DISTURBED AREAS, NOT WITHIN LANDSCAPE PLAN, TO BE REVEGETATED WITH NATIVE GRASSES.
3. ALL MATERIALS CONTAINING GRASS, BRUSH, OR ROOTS SHALL BE STRIPPED PRIOR TO ANY GRADING OPERATIONS. THIS MATERIAL SHOULD BE STOCKPILED FOR LATER USE AS TOPSOIL.
4. TREES NOTED TO BE SAVED ARE TO BE PROVIDED PROTECTION BY FENCING OR OTHER MEANS DURING CONSTRUCTION.
5. "THE INSTALLATION FORM CF-6R AND THE CERTIFICATION OF INSULATION ARE REQUIRED TO BE POSTED AT THE JOB SITE DURING THE CONSTRUCTION PHASE OF THE PROJECT."
6. ALL SITE DRAINAGE TO PERCOLATE.
7. ALL DRAINAGE TO SPLASHBLOCKS TO LANDSCAPE AREAS.

ENERGY REQUIREMENTS:

1. ALL EXTERIOR DOORS SHALL HAVE ALUMINUM OR WOOD THRESHOLD AND INTERLOCKING WEATHERSTRIP, UNLESS NOTED OTHERWISE.
2. JOINTS AND PENETRATIONS SHALL BE CAULKED AND SEALED.
3. DOORS AND WINDOWS SHALL BE CERTIFIED. ALL WINDOWS DOUBLE GLAZED EXCEPT WHERE NOTED OTHERWISE.
4. EXHAUST SYSTEM SHALL HAVE DAMPER CONTROLS.
5. HVAC EQUIPMENT SHALL HAVE SET BACK THERMOSTAT.
6. FIRST FIVE FEET OF PIPES CLOSEST TO WATER HEATER TANK SHALL BE WRAPPED WITH R-3 MIN.
7. HVAC EQUIPMENT, WATER HEATER, SHOWER HEADS AND FAUCETS SHALL BE CERTIFIED.
8. CONTRACTOR TO PROVIDE & POST ON THE STRUCTURE AT FINAL INSPECTION A COMPLETED INSULATION CERTIFICATE.
9. NFRC LABELS MUST REMAIN ATTACHED TO THE GLAZING UNTIL AFTER INSULATION INSPECTION IS COMPLETED.

SOILS:

GEOTECHNICAL INVESTIGATION & WAVE RUNUP ANALYSIS BY HARO, KASUNICH & ASSOCIATES, INC
PHONE: (831)647-5294.
DATED JULY 17, 2006; PROJECT #S: SC9491 & SC9423, APN 028-304-23, APPLICATION # 68130

ALL CONSTRUCTION SHALL COMPLY WITH THE RECOMMENDATIONS OF THE REPORT.

AFTER ISSUANCE OF THE BUILDING PERMIT, THE COUNTY REQUIRES YOUR SOILS ENGINEER TO BE INVOLVED DURING CONSTRUCTION. SEVERAL LETTERS OR REPORTS ARE REQUIRED TO BE SUBMITTED TO THE COUNTY AT VARIOUS TIMES DURING CONSTRUCTION. THEY ARE AS FOLLOWS:

1. WHEN A PROJECT HAS ENGINEERED FILLS AND/OR GRADING, A LETTER FROM YOUR SOILS ENGINEER MUST BE SUBMITTED TO THE ENVIRONMENTAL PLANNING SECTION OF THE PLANNING DEPARTMENT PRIOR TO FOUNDATIONS BEING EXCAVATED. THIS LETTER MUST STATE THAT THE GRADING HAS BEEN COMPLETED IN CONFORMANCE WITH THE RECOMMENDATIONS OF THE SOILS REPORT AND PER THE REQUIREMENTS OF THE 2007 CALIFORNIA BUILDING CODE. COMPACTION REPORTS OR A SUMMARY THEREOF MUST BE SUBMITTED.

2. PRIOR TO PLACING CONCRETE FOR FOUNDATIONS, A LETTER FROM THE SOILS ENGINEER MUST BE SUBMITTED TO THE BUILDING INSPECTOR AND TO ENVIRONMENTAL PLANNING STATING THAT THE SOILS ENGINEER HAS OBSERVED THE FOUNDATION EXCAVATION AND THAT IT MEETS THE RECOMMENDATIONS OF THE SOILS REPORT.

3. AT THE COMPLETION OF CONSTRUCTION, A FINAL LETTER FROM YOUR SOILS ENGINEER IS REQUIRED TO BE SUBMITTED TO ENVIRONMENTAL PLANNING THAT SUMMARIZES THE OBSERVATIONS AND THE TESTS THE SOILS ENGINEER HAS MADE DURING CONSTRUCTION. THE FINAL LETTER MUST ALSO STATE THE FOLLOWING: "BASED UPON OUR OBSERVATIONS AND TESTS, THE PROJECT HAS BEEN COMPLETED IN CONFORMANCE WITH OUR GEOTECHNICAL RECOMMENDATIONS."

IF THE FINAL SOILS LETTER IDENTIFIES ANY ITEMS OF WORK REMAINING TO BE COMPLETED OR THAT ANY PORTIONS OF THE PROJECT WERE NOT OBSERVED BY THE SOILS ENGINEER, YOU WILL BE REQUIRED TO COMPLETE THE REMAINING ITEMS OF WORK AND MAY BE REQUIRED TO PERFORM DESTRUCTIVE TESTING IN ORDER FOR YOUR PERMIT TO OBTAIN A FINAL INSPECTION.

FOUNDATION:

[illegible]

FRAMING, FINISHES, ETC.:

[illegible]

PLUMBING:

[illegible]

MECHANICAL:

[illegible]

ELECTRICAL:

[illegible]

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
715 C CAPITOLA AV. CAPITOLA, CA 95010 · 831 476 2810

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

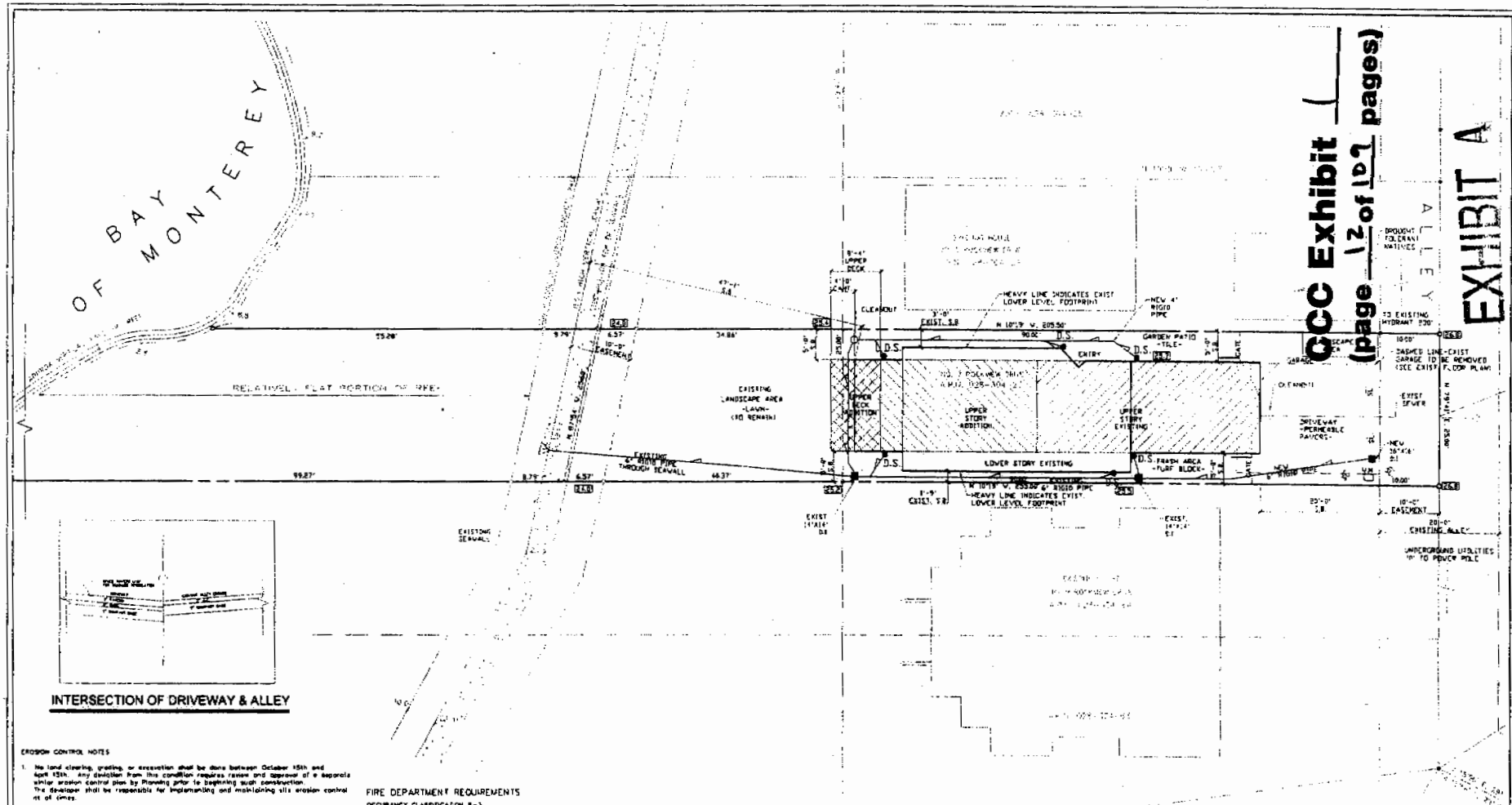
OWNER: ALEX & [illegible] INGRAM
145 OSTEL DR. STE 123
LOS ALTOS, CA 94022
(650)917-8618

COVER SHEET
LEGEND OF SHEETS

GG | DN | ROCKVIEW | 05/05/09 | SHEET 1

CCC Exhibit 1 (page 12 of 19 pages)

EXHIBIT A



INTERSECTION OF DRIVEWAY & ALLEY

EROSION CONTROL NOTES

1. No land clearing, grading, or excavation shall be done between October 15th and April 15th. Any deviation from this condition requires review and approval of a separate winter erosion control plan by Planning prior to beginning such construction. The developer shall be responsible for implementing and maintaining site erosion control at all times.
2. Unnecessary grading and disturbing of soil shall be avoided.
3. Between October 15th and April 15th exposed soil shall be protected from erosion by all times. Hay bales, filter berms, silt fences or other means shall be employed to prevent sediment from leaving the site or entering any watercourse.
4. During construction, no turbid water shall be permitted to enter the channel or storm drain system. Use of silt and grease traps, filter berms, hay bales or silt fences shall be used to prevent such discharge.
5. All areas on- and off-site exposed during construction activities, if not permanently landscaped per plan, shall be protected by mulching and/or planting of the following SCS approved erosion control mix at a rate of 35 lbs per acre

Blando Brome	50%
Rose Clover (pellet inoculated)	25%
Creeping Red Fescue	15%
Zorro Annual Fescue	Trace
Wildflowers	Trace

6. All excavated material shall be removed to an approved disposal site or disposed of on-site in a manner that will not cause erosion.
7. Any material stockpiled on-site shall be covered with plastic sheeting during the winter months or during periods of rain.
8. Upon completion of construction, all remaining exposed soils shall be permanently revegetated per landscaping plan.
9. It is the developer's responsibility to see that additional measures necessary to control site erosion and prevent sediment transport off-site are implemented.
10. All drainage to drop inlets to ocean, through seawall. (Direct drainage in landscape areas) (Flow 2% away from building)
11. Contractor is responsible for dust control & mowing areas adjacent to the work is left in clean condition
12. Utilize best management practices (BMP's) as required by the state water resources control board, for any activity which disturbs soil.

FIRE DEPARTMENT REQUIREMENTS

OCCUPANCY CLASSIFICATION R-3
BUILDING CONSTRUCTION TYPE V-B
SPRINKLERED

FIRE FLOW REQUIREMENTS FOR SUBJECT PROPERTY ARE A MINIMUM 1000 GALLONS PER MINUTE FROM ON HYDRANT LOCATED WITHIN 250 FEET
EXISTING HYDRANT #230 ONM

THESE PLANS ARE IN COMPLIANCE WITH CALIFORNIA BUILDING AND FIRE CODES (2007) AND DISTRICT AMENDMENTS.
DESIGNER/INSTALLER SHALL SUBMIT THREE SETS OF PLANS AND CALCULATIONS FOR THE UNDERGROUND AND OVERHEAD RESIDENTIAL AUTOMATIC FIRE SPRINKLER SYSTEM TO FIRE FOR APPROVAL.
SMOKE DETECTORS ARE TO BE INSTALLED ACCORDING TO CALIFORNIA BUILDING CODE AND APPROVED BY FIRE AGENCY.
BUILDING NUMBERS SHALL BE PROVIDED. NUMBERS SHALL BE A MINIMUM OF FOUR INCHES IN HEIGHT ON A CONTRASTING BACKGROUND AND VISIBLE FROM THE STREET.
INSTALL AN APPROVED SPARK ARRESTER ON THE TOP OF CHIMNEYS THE MAX MESH SHALL NOT EXCEED 1/2 INCH.
ROOF COVER SHALL BE NO LESS THAN CLASS "B" RATED ROOF.
A 30-FOOT CLEARANCE WILL BE MAINTAINED WITH NON-COMBUSTIBLE VEGETATION AROUND ALL STRUCTURES OR TO THE PROPERTY LINE WHICHEVER IS A SHORTER DISTANCE.
TWO SETS COPIES OF THE BUILDING AND FIRE SYSTEMS PLANS AND PERMITS MUST BE ON SITE DURING INSPECTIONS.
FIRE HYDRANT SHALL BE PAINTED IN ACCORDANCE WITH THE STATE OF CALIFORNIA HEALTH AND SAFETY CODE. SEE JURISDICTION REQUIREMENTS.
DRIVEWAY SHALL PAVE IN PLACE (ALL WEATHER SURFACE) PRIOR TO ANY FRAMING CONSTRUCTION.
THE DRIVEWAY SHALL HAVE AN OVERHEAD CLEARANCE OF 14 FEET VERTICAL DISTANCE FOR ITS ENTIRE WIDTH.
AS A CONDITION OF SUBMITTAL OF THESE PLANS, THE OWNER AND INSTALLER CERTIFY THAT THESE PLANS ARE DETAILS COMPLY WITH APPLICABLE SPECIFICATIONS, STANDARDS, CODES AND ORDINANCES, AGREE THAT THEY ARE SOLELY RESPONSIBLE FOR COMPLIANCE WITH SPECIFICATIONS, STANDARDS, CODES AND ORDINANCES, AND FURTHER AGREE TO CORRECT ANY DEFICIENCIES NOTED BY THIS REVIEW, SUBSEQUENT REVIEW, INSPECTION OR OTHER SOURCE, AND, TO HOLD HARMLESS AND WITHOUT PREJUDICE, THE REVIEWER AND REVIEWING AGENCY.
DRIVEWAY WILL BE 18 FEET WIDE WITH A MAXIMUM SLOPE OF 8% WITH 4 SOIL COMPACTION OF 95% DRIVEWAY SHALL BE PERMEABLE PAVERS ON 6" BASE.
SEE SITE PLANS FOR DRIVEWAY.

VICINITY MAP
SCALE: NONE

IMPERVIOUS AREA CALCULATIONS:
EXISTING – 1,588 SQ. FT.
PROPOSED –
STRUCTURE 1,294 SQ. FT.
PAVERS 50% SQ. FT.
(670 SQ. FT.\2)=335 SQ.FT.
TOTAL PROPOSED=1629 SQ. FT.
NET GAIN – 41 SQ. FT.

SITE PLAN

NOTE:
ALL PATIO, ROOF, & STREETSIDE DRAINAGE TO OCEAN THROUGH EXISTING 6" PIPE THROUGH SEAWALL.

GRADING:
NO GRADING REQUIRED

OWNER
ALEX & KRIS INGRAM
345 OISTE DR, STE 128
LOS ALTOS, CA 94022
(650)917-8618

INGRAM RESIDENCE
/ ROCKVIEW DR
SANTA CRUZ, CA 95062
APN 018-304-25

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
713 C CAPITOLA AV, CAPITOLA, CA. 95010 - 831 476 3519

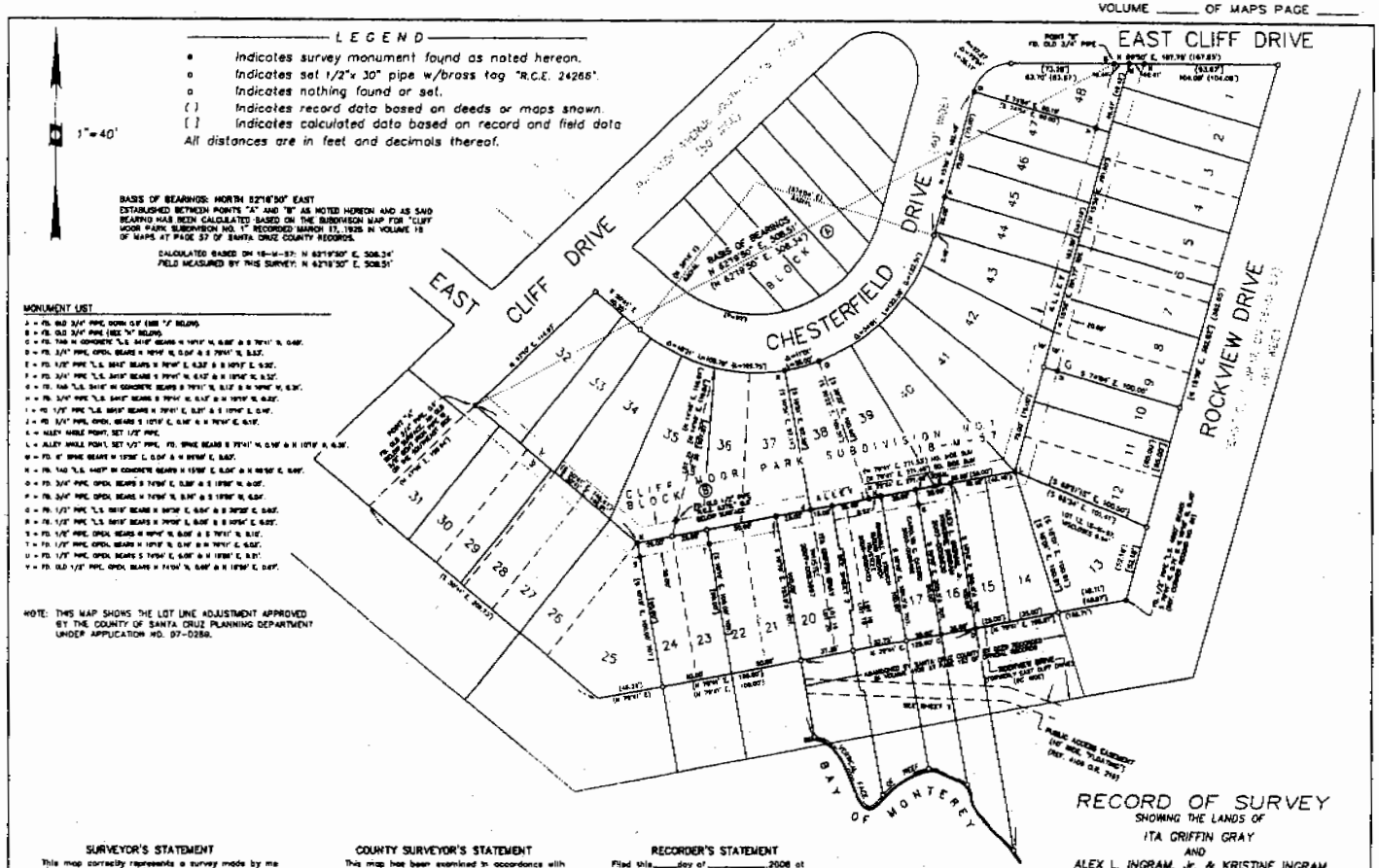
SITE & DRAINAGE PLAN

DRAWN: GG
SCALE: 1/8"=1'-0"
JOB NO. #7 ROCK
DATE: 04/16/09
SHEET 2 OF

CCC Exhibit 1
(page 12 of 24 pages)

EXHIBIT A

VOLUME ____ OF MAPS PAGE ____



SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act at the request of Ita Griffin Gray & Alex L. Ingram Jr. in November 2007.

Date

Michael F. Beautz
R.C.E. No. 24268
(EXP. 12-31-09)

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with with Section 8766 of the Professional Land Surveyors' Act this ____ day of _____, 2008

Thomas L. Bolich, County Surveyor
R.C.E. No. 28682
(EXP. 03-31-09)

RECORDER'S STATEMENT

Filed this ____ day of _____, 2008 at ____ M. in Volume ____ of Maps at Page ____ at the request of Ita Griffin Gray

County Recorder

By _____

Serial No. _____ Fee _____

2A

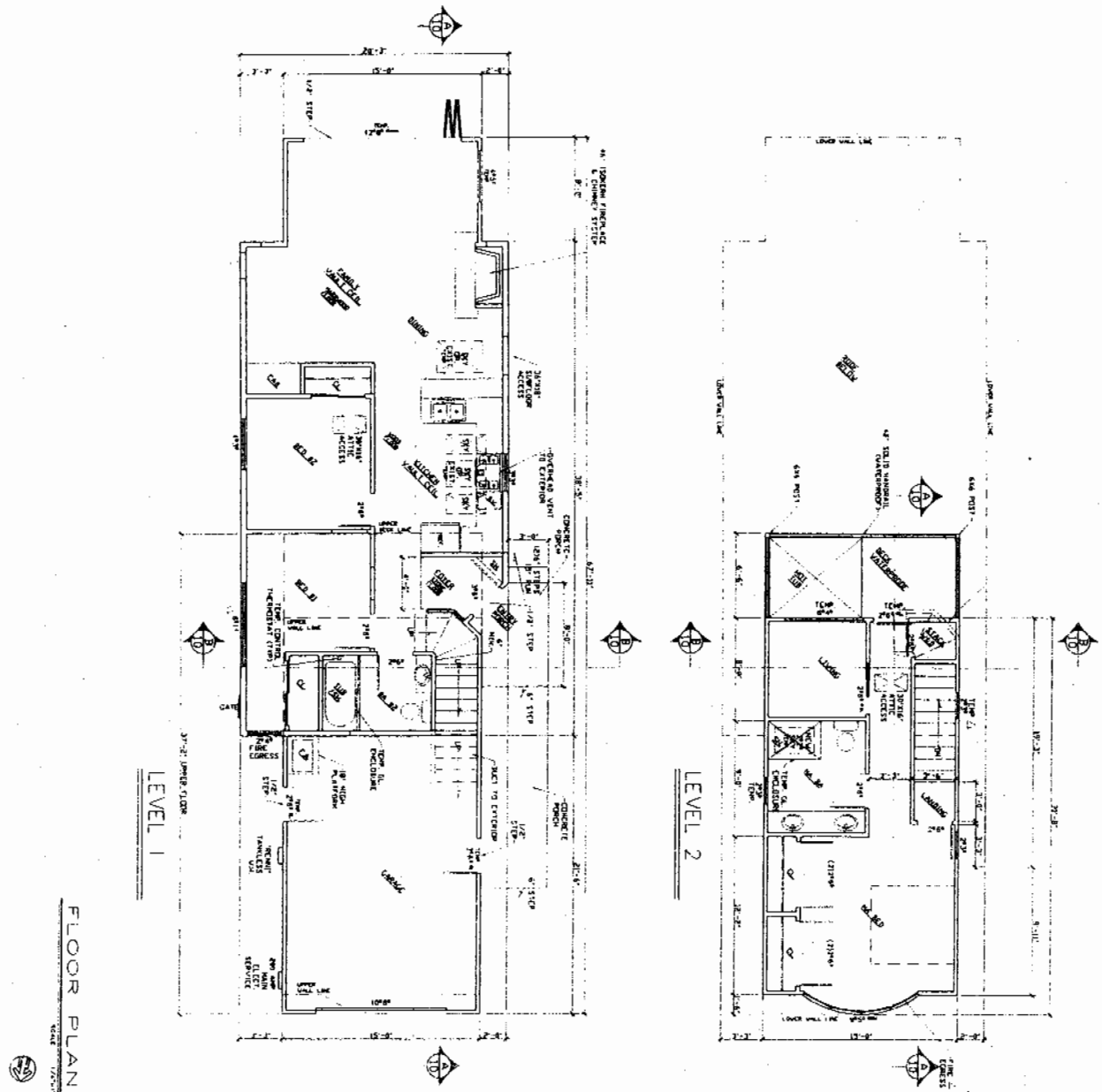


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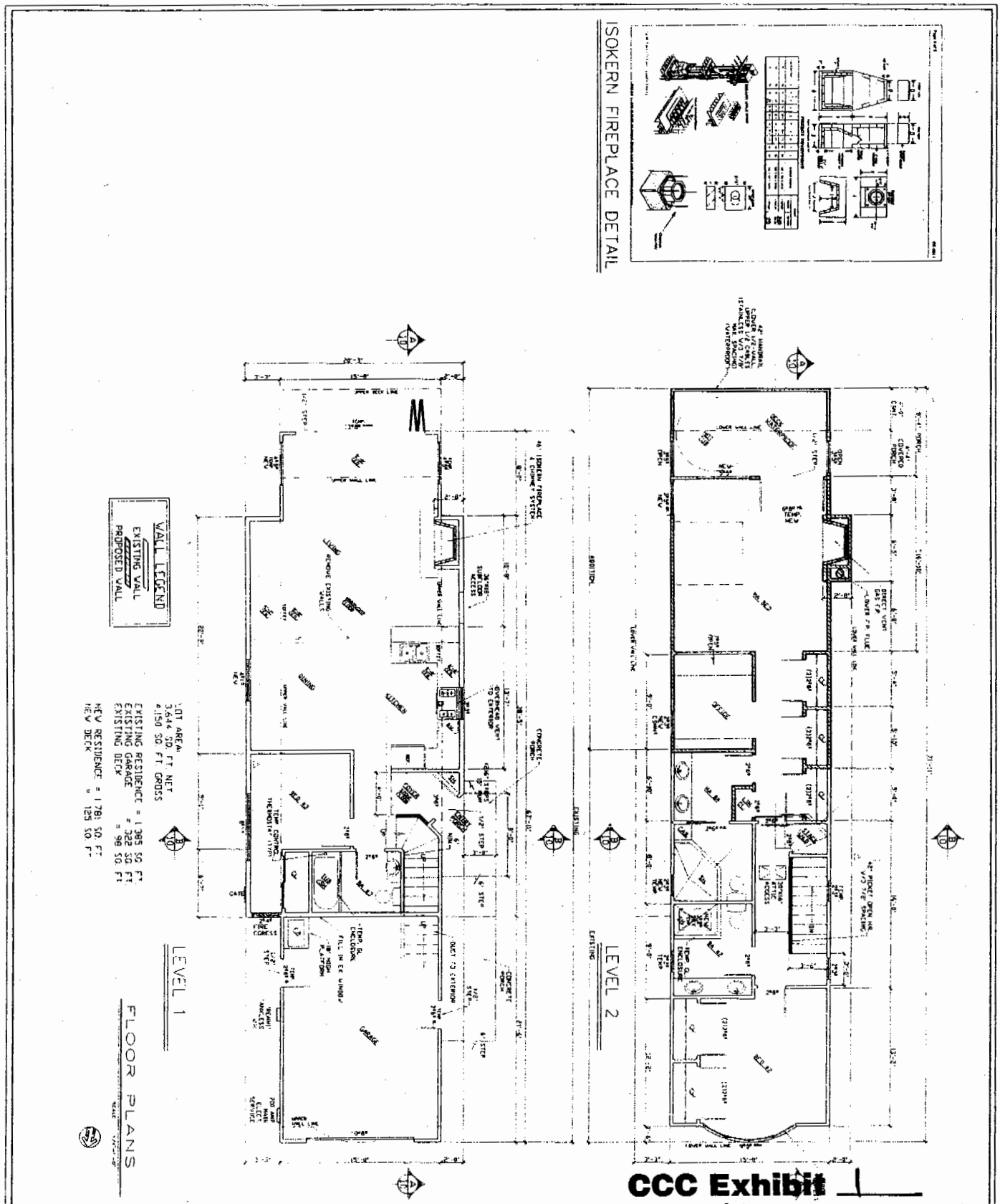
EXHIBIT A

3	05/05/09	1/4"=1'-0"	EXISTING FLOOR PLANS	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA AV. CAPITOLA, CA 95010 - 831 476 2818

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

ALEX & KRIS INGRAM
745 DISTEL DR. STE 129
LOS ALTOS, CA 94022
(650)917-8618



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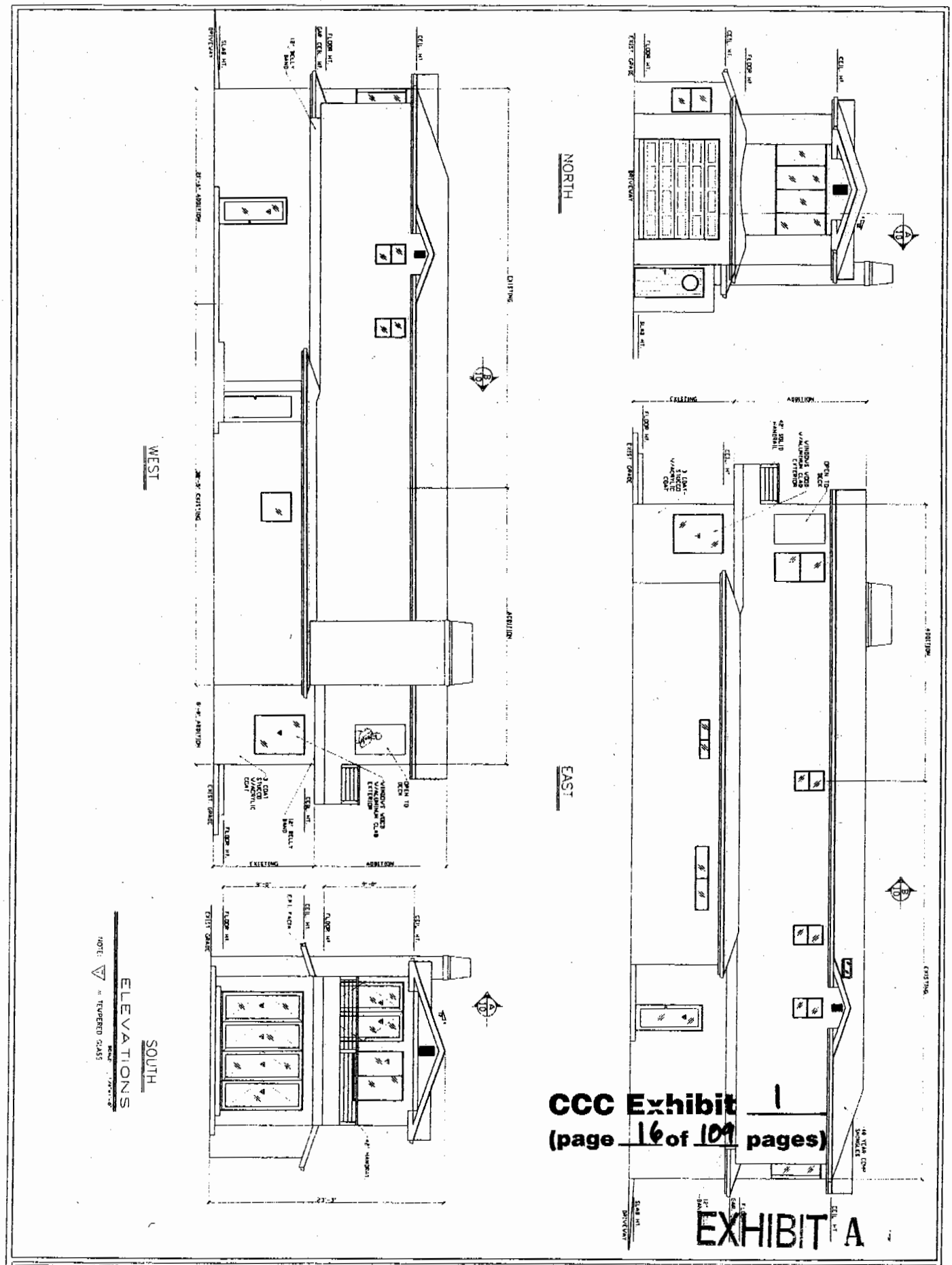
(page 15 of 109 pages)

EXHIBIT A

PROPOSED FLOOR PLANS	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA AV. CAPITOLA, CA. 95010 · 631 476 2616	INGRAM RESIDENCE 7 ROCKVIEW DR. SANTA CRUZ, CA 95062 APN 028-304-23	ALEX & KRIS INGRAM 745 DISTRICT DR. STE 139 LOS ALTOS, CA 94022 (650)917-8618

05/05/09 ROCKVIEW 4



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(page 16 of 109 pages)

EXHIBIT A

5	ELEVATIONS	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA AV. CAPITOLA, CA 95010 · 831 476 2616	INGRAM RESIDENCE 7 ROCKVIEW DR. SANTA CRUZ, CA 95062 APN 028-304-23	ALEX & KRIS INGRAM 715 OSTEL DR. STE 129 LOS ALTOS, CA 94022 (650)917-8618
DATE: 04/15/09	SCALE: 1/4"=1'-0"			
SHEET: GG				

Application #: 10-0080
APN: 028-304-23
Owner: Alex & Kristine Ingram, Trustees

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 portion of the property in which the development is proposed is zoned R-1-5 (Single-family residential - 5,000 square feet net developable area per dwelling unit), a designation that allows residential uses. The proposed Single-family 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. A pedestrian easement from Rockview is not affected by the development.

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 and configuration. Lots developed to an urban density surround the property. Homes along Rockview are a variety of sizes and forms ranging from a small, one-story 1920's era bungalow through 1960's duplex, to new larger two-story single family homes. The project is consistent within this range. The newer two-story homes built along this row are two to three feet taller than the subject dwelling. The proposed colors are natural in appearance and complementary to the site. Although the development site is located on a bluff-top, it is not adjacent to a public beach or within a designated scenic corridor.

The structure utilizes a low-pitched roof design and stepped back second story as well as shingled siding on the second story to help minimize the apparent mass of the structure. The overall configuration and appearance is similar to that of surrounding structures occupying lots of substandard width.

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 site does not afford public access to the shoreline because wave run-up prevents access. Consequently, the residential [illegible] interfere with public access to the

beach, ocean, or any nearby body of water. Further, there is established public access at the east end of Rockview, approximately 100 feet from the site. Lastly, 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-1-5 (Single-family residential - 5,000 square feet net developable area per dwelling unit) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. Size and architectural styles along Rockview vary widely from a small, 1920's era, one-story cottage, through 1960's era duplex, to new large two story homes. The design submitted is not inconsistent with that range. The proposed additions and deck match the style of the existing house and are in general conformance with the design and style originally approved under Coastal Development Permit 07-0755.

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(page 18 of 109 pages)

Application #: 10-0080
APN: 028-304-23
Owner: Alex & Kristine Ingram, Trustees

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed construction will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the addition meets all current setbacks that ensure access to light, air, and open space in the neighborhood and because the adjacent properties both open toward the pedestrian path, bedrock shelf and open ocean vista at the rear. While the proposed additions cause the structure to exceed the 50% Floor Area Ratio limitation, this is due to the deduction of the large coastal bluff area from the net site area. The residential additions constitute a reduction in the impact to surrounding views when compared to the configuration of the dwelling approved under Coastal Development permit 07-0755 by reducing the overall height by over three feet.

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 residential addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single-family residential - 5,000 square feet net developable area per dwelling unit) zone district in that the primary use of the property will be one single-family dwelling. Where the project does not meet the required Floor Area Ratio or the limit on driveway and parking in the front yard, variance findings are made by the County.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) land use designation in the County General Plan. The proposed residential addition will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that it meets all setbacks for the zone district and the adjacent properties enjoy open access to the coastal bluff and ocean vista at the rear.

The property is within a row of eight rectangular lots, which include the coastal bluff and the south facing rock shelf. Only one of the small, 1920's era homes are left at this time. Homes in this row have been modernized, including approvals in 2008 for an approximately 3300 sq. ft. home at 2868 South Palisades and an approximately 2200 sq. ft. home at 3 Rockview Drive,

which also relied on a variance for a driveway over greater than 50% of the front yard. A home of this size on the subject property, approximately 1800 sq.ft after the addition, and height, approximately 23 feet, is consistent with the surrounding neighborhood. Further, the development is consistent in terms of architectural style and configuration. Homes along Rockview are a variety of sizes and forms ranging from small, one-story 1920's era bungalows through 1960's duplex, to new larger two-story single family homes. The design of the project is consistent within this range.

The proposed residential addition will not be improperly proportioned to the parcel or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed addition will comply with the site standards for the R-1-5 zone district, except that driveway will exceed 50% of the front yard and FAR will exceed 50%, and variance findings are made with respect to these standards. The structure is well designed given the constraints of substandard width (25 feet where minimum for zone district is 50 feet) and the location and extent of the coastal bluff.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed residential addition is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not expected to increase as a result of a small addition to an existing single-family residence.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed Single-family dwelling is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed residential addition will be of an appropriate scale and type of design that will not negatively impact the aesthetic qualities of the surrounding properties. The addition consists of a low-pitched roof, with shingled siding and a belly band, which help to break up the apparent mass of the east and west elevations. This project will also reduce the structure height down to 23'3'', well below the 28-foot maximum height allowed in the zone district. The project will not substantially impact available open space in the surrounding area. The proposed design is substantially the same as that approved under Coastal Development Permit 07-0755 in November 2008.

Application #: 10-0080
APN: 028-304-23
Owner: Alex & Kristine Ingram, Trustees

Variance Findings

1. That because of special circumstance 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 to allow variances to increase the Floor Area Ratio from the required 50% to 59% and to exceed the 50% limit on driveways in the front yard, can be made, in that the subject parcel is constrained by the narrow width and the unusual geometry of the coastal bluff. The parcel is 25 feet wide, only half of the required minimum parcel width for the zone district, which is 50 feet. In addition, 38% of the parcel (2,178 square feet) is defined as a coastal bluff under the County Geologic Hazards Ordinance. The form of the bluff in this location includes not just the typical vertical component but also a substantial lateral rock shelf that is unique to this section of the County coastline. Because all area defined as coastal bluff is deducted from the gross site area, that space represents a loss of 38% of the entire lot area under a new definition of net site area adopted in May of 2009. The form of the coastal bluff in combination with the substandard lot width represents special circumstances.

The resulting net site area of 3,425 square feet is well below the minimum 5,000 square foot lot size required for the R-1-5 zone district within which the subject parcel is located.

The property is within a row of eight rectangular lots which include the south facing rock shelf. Only one of the small 1920's era homes are left at this time. Homes in this row have been modernized, including approvals in 2008 for an approximately 3300 sq. ft. home at 2868 South Palisades and an approximately 2200 sq. ft. home at 3 Rockview Drive, which also relied on a variance for exceeding the 50% limit on driveways in the front yard. The drastic loss of net site area in this case would deprive the owner of the privilege of the larger homes enjoyed by other property in the immediate vicinity.

For example, a coastal permit issued for the property at 3 Rockview Drive (Permit 08-0169) authorized the construction of a 2,280 square foot two-story dwelling and attached garage. While the FAR was 46% at the time the neighboring project was approved in December 2008, under the revised net site area definition, the FAR is now 61%.

The narrow parcel width prohibits parking for two parking spaces in the front yard, a privilege enjoyed by other properties in the vicinity and under identical zoning classification.

2. That the granting of the variances will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the project represents substantially the same proposal that was reviewed and approved in 2008. The addition is located at the rear of the property, facing the open coastal bluff/ocean shelf, and the height has been reduced nearly three feet from the design

approved under Permit 07-0755, thereby reducing potential impact to nearby properties. The addition conforms to all side and rear yard setbacks and will allow the neighbors adequate privacy and access to sunlight and air.

Vehicle parking in the front yard will not affect public health, safety, or welfare or be injurious to property or improvements in the vicinity, in that the replacement garage has been relocated to conform to the required 20-foot setback. The original garage and those of the majority of nearby residences, were constructed between three and ten feet from the edge of the South Palisades right-of-way. The relocated garage will create greater sight distance and mitigate the impact of continuing to use more than 50% of the front yard for driveway and parking.

Prior to 2009, under the previous definition of net site area, the proposed development would have resulted in an FAR of approximately 35%. Given that the proposed additions do not represent appreciable increases in bulk, size or mass, and that the new deck is consistent with the profile approved in 2008, the granting of the variance to approve the additions will not negatively impact surrounding properties. In particular, private views are not protected by County Codes or General Plan policies.

Finally, the proposed structure represents a reduction in height of 3 feet, 3 inches from the previously approved structure. The reduction in height will help to mitigate the impact of the second story addition to the surrounding properties.

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 other properties in the vicinity with the same circumstances of substandard width and the extensive rock shelf would be given the same consideration both for FAR and front yard driveway width. It is apparent that many of the surrounding structures have become non-conforming as a result of the change in net site area regulation, due to the unique configuration of the coastal bluff. Any such property owner seeking to modernize their older homes or repair structural damage would likely need to rely on similar variances in obtaining permits for such work.

Of the eight properties on the block, not including the two end lots which have a different shape, three have approval for a similar size or larger homes, including a 2,200 square foot dwelling at 3 Rockview Drive which will replace one of the remaining single-story bungalows and also relied on a variance for a driveway over greater than 50% of the front yard.

Given that the County parking requirements for two, three and four-bedroom homes is three spaces, it would not be feasible for any parcel in the area with similarly substandard lot width of 25 feet to accommodate parking without exceeding the 50% front yard coverage limitation. Therefore, other similarly configured properties in the vicinity and zone district would be granted the same consideration for a variance to exceed 50% of the front yard for parking and driveway coverage.

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Application #: 10-0080
APN: 028-304-23
Owner: Alex & Kristine Ingram, Trustees

Conditions of Approval

Exhibit A: Architectural Plans prepared by Dennis Norton, dated 01/18/10

I. This permit amends Coastal Development Permit 09-0142 and authorizes work consisting of adding 508 square feet of living space to the second story and 125 square feet of covered deck. The result will be a 1,822 square foot two-story single-family dwelling, 322 square foot attached garage and 125 square foot second story deck. 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.

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. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.

2. 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 23'-3".

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. Submit plans meeting all requirements of the County Department of Public Works

D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

E. A plan review letter shall be submitted from the project geotechnical engineer stating that the final plans conform to the recommendations made in the report prepared for this site.

F. Meet all requirements of the County Department of Public Works Sanitation.

G. Meet all requirements of the County Department of Public Works Road Engineering:

H. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

I. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

J. No more than 50% of a nonconforming wall shall be altered. This includes walls, windows, doors, studs, top plate, vents or other openings.

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.

B. In the event that future County inspections of the existing dwelling disclose alteration to the existing exterior walls within the required 5 foot side yard setback exceeding 50% of the exterior wall areas, a "stop work" order shall be issued on the project and the applicant shall obtain all necessary permits before work may commence.

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, it 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.

CCC Exhibit 1
(page 25 of 109 pages)

EXHIBIT C

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.

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EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

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

Application Number: 10-0080
Assessor Parcel Number: 028-304-23
Project Location: 7 Rockview Drive, Santa Cruz

Project Description: Proposal to amend Coastal Permit 09-0142, which authorized an addition and remodel to an existing single family dwelling, to approve an increase in the size of the second story to add 508 sq. ft. of living space and 125 sq. ft. of covered deck, to delete condition of approval IV C which refers to the validity of the original coastal approval, and to carry forward approvals from 2007 for a greater than 800 sq. ft. addition to a non conforming structure and a variance to exceed the 50% limit on driveways in the front yard. Requires an amendment to Coastal Development Permit 09-0142, variances to increase the Floor Area Ratio from the required 50% to 59% and to exceed the 50% limit on driveways in the front yard, and a Residential Development Permit for a greater than 800 sq. ft. addition to a non conforming structure. The project is substantially the same project that was approved by the County in 2008

Person or Agency Proposing Project: Dennis Norton

Contact Phone Number: (831) 476-2616

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).

E. __X__ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Proposal is an addition to an existing structure .

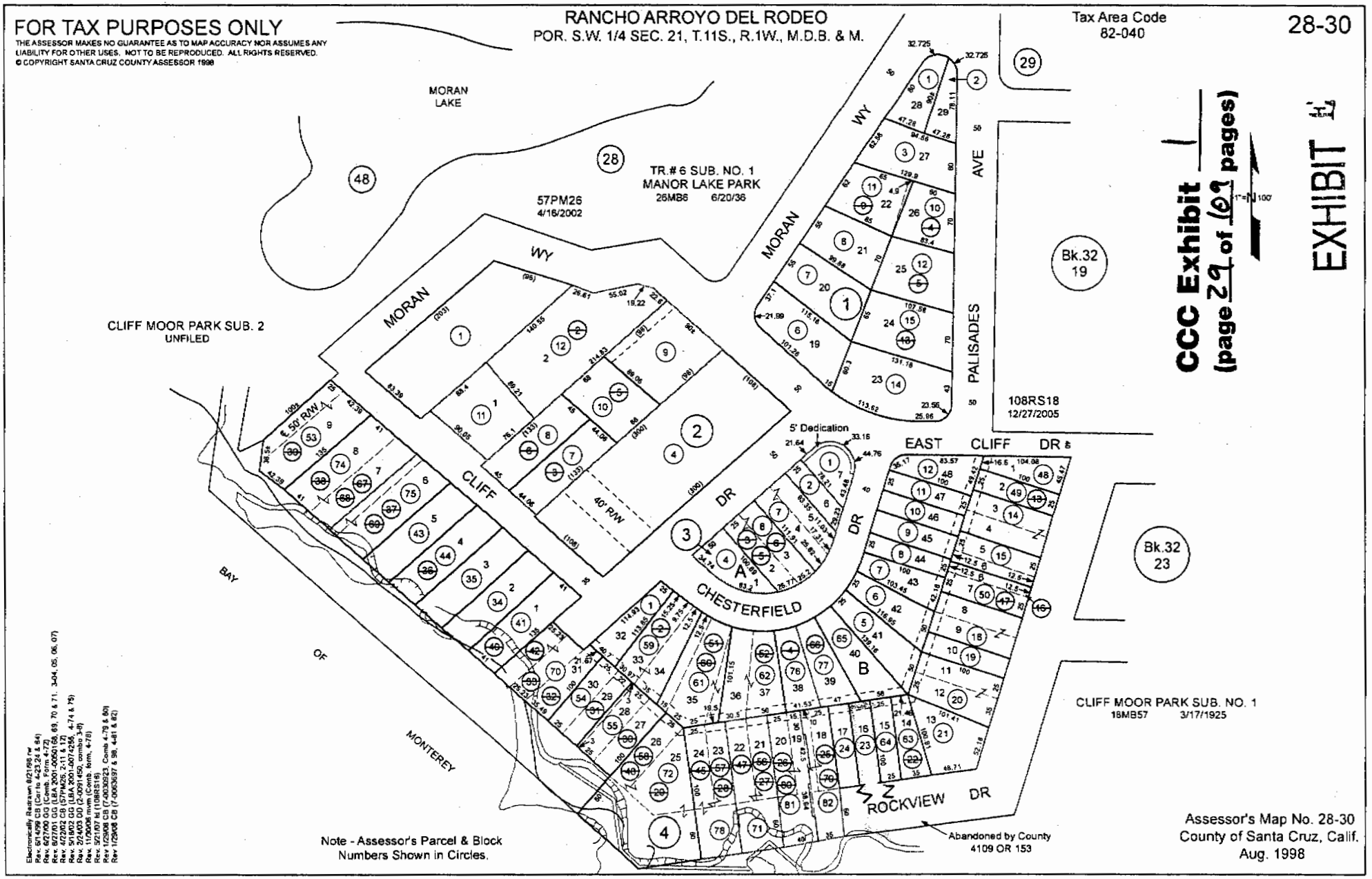
In addition, none of the conditions described in Section 15300.2 apply to this project.

Date: _____

Robin Bolster-Grant, Project Planner

CCC Exhibit 1
(page 28 of 109 pages)

EXHIBIT D


FOR TAX PURPOSES ONLY
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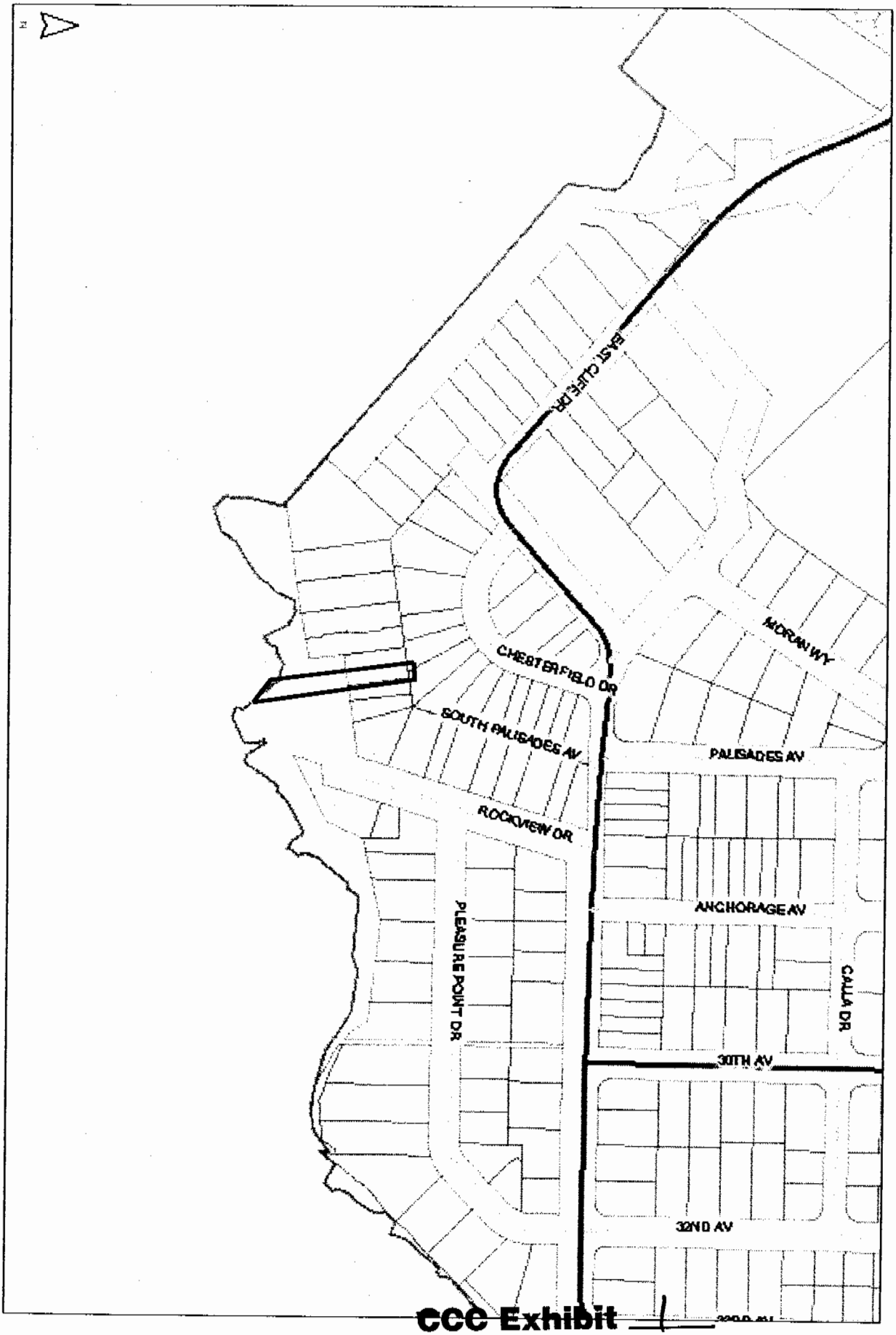
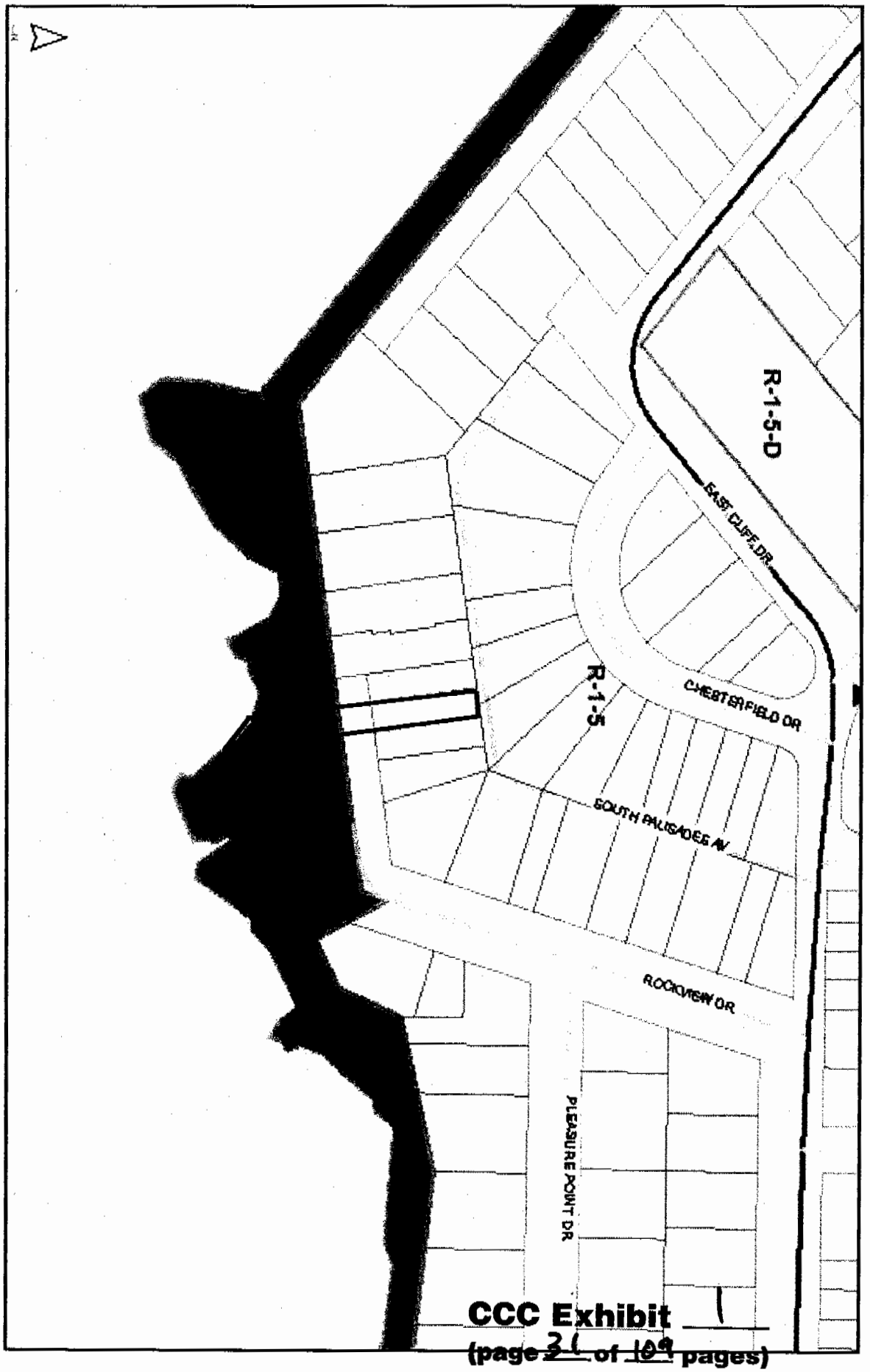
RANCHO ARROYO DEL RODEO
POR. S.W. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.
Tax Area Code
82-040
28-30
MORAN LAKE
TR.# 6 SUB. NO. 1
MANOR LAKE PARK
26MB6 6/20/36
57PM26
4/16/2002
CLIFF MOOR PARK SUB. 2
UNFILED
MORAN WY
CLIFF DR
CHESTERFIELD DR
EAST CLIFF DR
PALISADES AVE
ROCKVIEW DR
BAY OF MONTEREY
5' Dedication
40' R/W
50' R/W
108RS18
12/27/2005
Bk.32
19
Bk.32
23
CLIFF MOOR PARK SUB. NO. 1
18MB57 3/17/1925
Abandoned by County
4109 OR 153
Note - Assessor's Parcel & Block Numbers Shown in Circles.
Assessor's Map No. 28-30
County of Santa Cruz, Calif.
Aug. 1998
CCC Exhibit 1
(page 29 of 109 pages)
EXHIBIT 4



Location Map

CCC Exhibit 1
(page 30 **of** 109 **pages)**

EXHIBIT E



Zoning Map

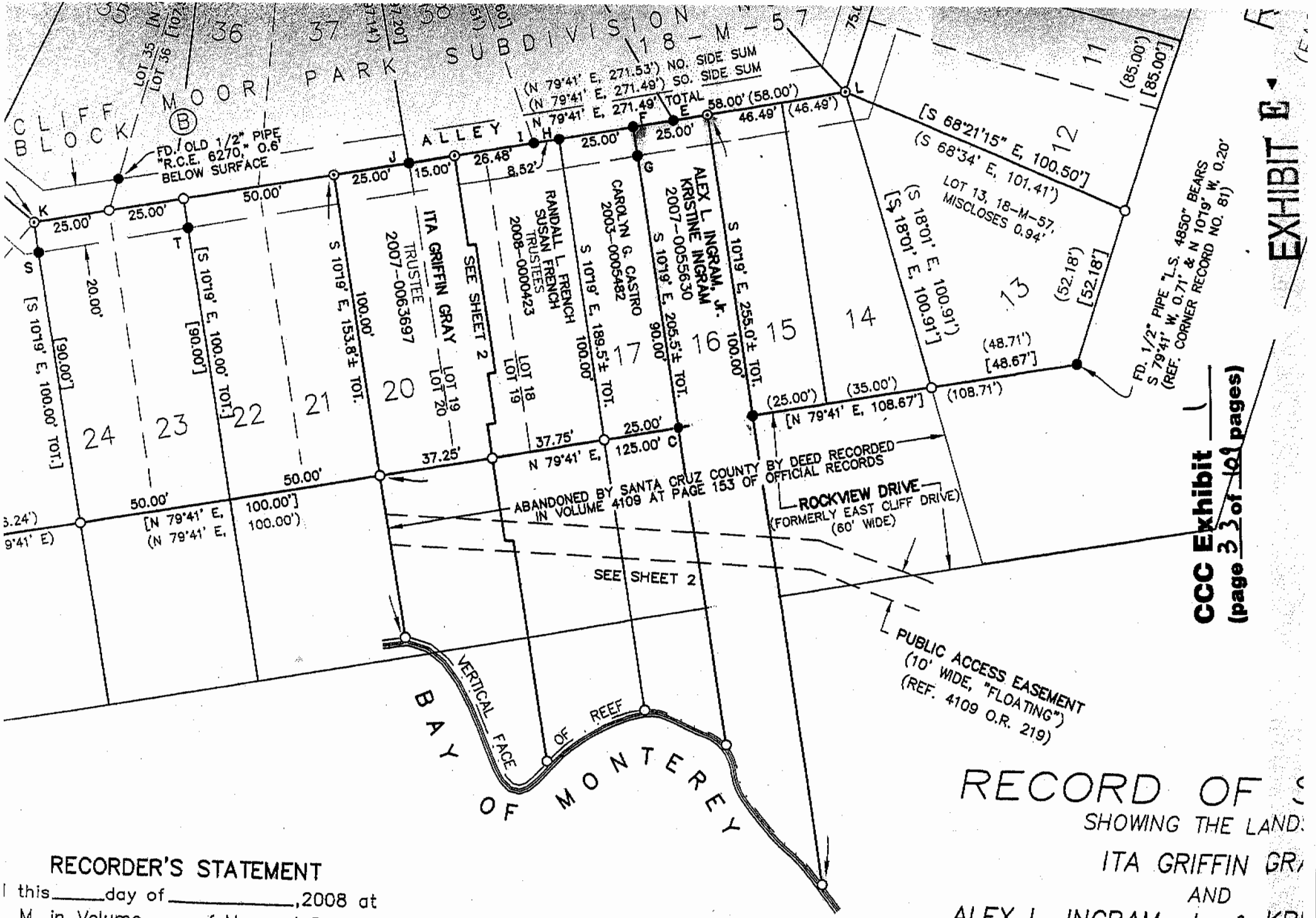
CCC Exhibit 1
(page 21 of 109 pages)

EXHIBIT E

General Plan Designation Map

CCC Exhibit 1
(page 32 of 109 pages)

EXHIBIT E



RECORDER'S STATEMENT

I this____day of_____,2008 at _ M. in Volume____ of Maps at Page____ request of Ita Griffin Gray_____.

RECORD OF S

SHOWING THE LAND:

ITA GRIFFIN GR/

AND

ALEX L. INGRAM, Jr. & KRI

WITHIN THE RANCHO ARROY(

SECTION 21, T.11S., R.1W., M.

Staff Report to the Zoning Administrator

Application Number: 07-0755

Applicant: Dennis Norton
Owner: Alex and Kristine Ingram
APN: 028-304-23

Agenda Date: 11/07
Agenda Item #:
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing 432 square foot garage and approximately 50 square feet of first floor area and remodel the remainder of the existing single story single family dwelling by constructing a 243 square feet attached garage and an addition of 90 square feet on the first floor, and addition of approximately 965 square foot addition on the second floor, and a 50 square foot second story deck. The project requires a Coastal Development Permit, Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, Variance to cover greater than 50% of the front yard with driveway, and a Variance to reduce the required east side yard setback from 5 feet to 2 feet.

Location: The property is located on the south side of South Palisades at 7 Rockview Drive.

Supervisoral District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Coastal Development Permit, Variance to cover greater than 50% of the front yard with driveway, a residential development permit to allow greater than 800 square foot addition to a non-conforming structure, and a Variance to reduce the required east side yard setback from 5 feet to 2 feet.

Technical Reviews: Geologic Report Review, Soils Report Review, Wave Run-up Analysis

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0755, based on the attached findings and conditions.

Exhibits

A.	Project plans	E.	Assessor's parcel map
B.	Findings	F.	Zoning map
C.	Conditions	G.	Comments & Correspondence
D.	Categorical Exemption (CEQA determination)	H.	Nonconforming Code (13.10.265)

EXHIBIT F

Parcel Information

Parcel Size:	5,853 square feet gross, 5,219 square feet net
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Residential
Project Access:	Palisades Avenue, 20' right-of-way
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5 (Single family residential - 5,000 square feet)
Coastal Zone:	_x_ Inside __ Outside
Appealable to Calif. Coastal Comm.	_x_ Yes __ No

Environmental Information

Geologic Hazards:	Geological Hazards Assessment, Geologic Report Review and Wave run-up analysis completed. Project required to comply with recommendations of these reports.
Soils:	Soils Report Review complete. Project required to comply with recommendations.
Fire Hazard:	Not a mapped constraint
Slopes:	Site is flat to edge of coastal bluff, 136 feet from development
Env. Sen. Habitat:	Mapped as containing Santa Cruz Tarplant and Zayante Band-Winged Grasshopper, though no physical evidence was identified on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Project conditioned to comply with Public Works Drainage requirements.
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	_x_ Inside __ Outside
Water Supply:	Santa Cruz Water Department
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control Distric

CCC Exhibit 1 (page 35 of 109 pages)

Project Setting

The subject property is located on the south side of South Palisades Avenue and is provided with a situs address of 7 Rockview Drive, though the property has no vehicular access from Rockview. The subject property is approximately 300-350 feet in length and 25 feet in width. The site fronts on the ocean, though it is not identified within a scenic corridor as there is no public beach due to steady wave-run-up to the bluff. A pedestrian easement crosses the site

EXHIBIT F

along an existing wave run up sea wall near the top of the bluff. The development is 41 feet from the easement, which does not interfere with the proposed improvements.

The parcel contains an existing 1200 square foot (approximate) single story single-family dwelling and a detached 432 square foot one-story garage.

Detailed Project Description

The applicant is proposing to demolish the existing 432 square foot garage and approximately 50 square feet of first floor area, and to remodel the remainder of the existing non-conforming single story single family dwelling by constructing a 243 square feet attached garage, addition of approximately 90 square feet on the first floor, addition of approximately 965 square feet on the second floor, and addition of a 60 square foot second story deck.

The applicant also proposes to remodel portions of the building on the east and west side of the site. The applicant proposes to remove, expand, or alter portions of the windows and wall area throughout. On the west side of the site, improvements include the addition of skylights, replacement of portions of the exterior wall with new bearing exterior wall, addition of a chimney, and addition of an exterior double door. On the east side, windows openings will be altered along the wall, and an interior stairway will be added. The stairway will be approximately 7 feet in width and designed as a gable roof feature. It intrudes 3 feet into the setback.

The project requires a Coastal Development Permit, Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, a Variance to cover greater than 50% of the front yard with driveway, and a Variance to reduce the required east side yard from 5 feet to approximately 2 feet.

Zoning & General Plan Consistency

The subject property is zoned R-1-5 (Single family residential - 5,000 square feet) zone district, a designation, which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

CCC Exhibit 1
(page 36 of 109 pages)

Setbacks

The following setbacks apply to this property based on a parcel width less than 60 feet in width.

	Front	Side	Rear
Required	20	5 & 5	15'
Proposed	20	West Side-3', East Side- 2'	15' plus

The existing dwelling encroaches into both side yard setbacks and therefore is an on-conforming structure. The applicant proposes to retain most of the first floor within both side yard setback areas with exception of demolition of approximately 50 square feet of first floor area located on

EXHIBIT F

the west side of the property.

The plans propose to limit structural alterations within the nonconforming portions of the building to 50 percent of the exterior wall area, with exception of the proposed stairway within the east side yard. This stairway addition involves raising the roof and adding a gable, which will increase the height of the building by approximately 8 feet with a total height of approximately 17 feet. This requires a variance for structural alterations to a nonconforming structure and a variance to reduce the required 5-foot setback to 2 feet, pursuant to County Code section 13.10.265.

County Code Section 13.10.265 (Nonconforming structures) allows structural alterations to non-conforming buildings provided that within any five year period the proposed work does not exceed more than 50 percent of the total length of the exterior walls within the nonconforming section of the building. Additionally, additions greater than 800 square feet may be made to a nonconforming structure provided that a Residential Development Permit is obtained. It should be noted that a termite inspector, registered engineer or other professional may be required to certify that the portions of the structure shown to remain are in fact structurally sound and that it is not necessary to alter them. The pertinent code sections are attached as Exhibit H.

The applicant was requested to provide a structural evaluation of the nonconforming wall sections by a registered engineer to confirm that the proposed second story addition could be constructed within the limit of 50% given in the code. The applicant declined to provide this information indicating that the residence is occupied and that it would disrupt the occupants and result in damage to the interior of the building. If approved, staff recommends that the project be conditioned to require an evaluation by a structural engineer, confirming that the walls are structurally sound and will not require alteration beyond that proposed by the project. Should it be determined during construction that the project requires alteration to the non-conforming wall area in excess of 50 percent, the project will be required to stop work until all required permits are obtained. At a minimum a variance will be required. It is not clear that findings can be made and approval granted.

The applicant has also requested a variance to the minimum 5-foot side yard setback to allow construction of the interior stairway. Staff is in general agreement with the applicant that the lot is extremely narrow (25 feet) and presents design challenges that limit the floor area for the proposed dwelling. Location of a stairway meeting the setback requirements would significantly constrain the floor area available for usable space. The stairway addition will be between 6 and 11 feet from the neighboring structure. The non-conforming portion of the building will be increased by the width of the stairway, approximately 8 feet. However such a small portion of the building will not significantly affect access to light. Staff supports a variance for this portion of the building since it is such a small area and because the architectural feature added by the stairway will improve the appearance to the building. However, the applicant should be aware that a 1-hour firewall is required to provide fire protection for the building because there is less than 3 feet to the property line. Per the Building Department, it should be noted that the proposed window opening in the stairway will be prohibited by the CBC due to this fire safety issue. Approval of this variance will not present health or safety issues for these reasons. Please see attached variance findings, Exhibit B.

CCC Exhibit 1
(page 37 of 101 pages)

EXHIBIT F

Floor Area Ratio (FAR)

The following table is provided to depict the proposed floor area ratio information.

Proposed Floor Area		
First Floor		863 square feet
Second Floor		965 square feet
Garage		243 square feet
Misc. areas included		15 square feet
	Sub Total	2086 square feet
Garage Credit		- 225 square feet
	Total FAR	**1861 square feet = 35 Percent**

The proposed structure provides approximately 1,861 square feet of total floor area, with the permitted 225 square foot deduction for the proposed garage. The total floor area is approximately 35 percent, which is under the 50 percent floor area permitted by the Ordinance.

Lot Coverage and Front Yard Coverage

The proposed building footprint is approximately 1,106 square feet (863 square feet first floor plus 243 square foot garage) and covers approximately 21 percent of the parcel, which is under the permitted 30 percent allowed by the Ordinance.

The ordinance also requires a minimum of 3 parking spaces for residences providing between 2 and 3 bedrooms. The plans show 3 bedrooms. These spaces cannot be provided on this site without a variance due to the narrow parcel width. Thus, a variance to cover greater than 50% of the front yard with driveway area has also been requested. Normally most parcels meet the minimum 60-foot parcel width and can provide parking for two cars without exceeding 50 percent of the front yard area. Given the site's special circumstances a variance is appropriate. Findings for approval are attached.

CCC Exhibit 1
(page 38 of 109 pages)

Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. Although the project is located

between the shoreline and the first public road it 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.

Design Review

The proposed single family dwelling complies with the requirements of the County Design Review Ordinance. The Design Review is attached as Exhibit G. The proposed project provides a nicely designed structure that is respectful of the site's limitations by breaking up the massing from the first and second floor and presents an attractive street front appearance. The building setback will be improved by this proposal that will improve the character of the street significantly. Also, issues identified regarding the request for evaluation by a structural engineer have been addressed by the conditions of approval.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project is exempt per the attached notice of exemption, Exhibit D.

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 **07-0755,** based on the attached findings and conditions.

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3439

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(page 39 of 109 pages)

EXHIBIT F

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

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-1-5 (Single family residential - 5,000 square feet), a designation, which allows residential uses. The proposed single family 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. A pedestrian easement from Rockview is not affected by the development.

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; although the development site is located bluff top, the site is not adjacent to a public beach or within a designated scenic corridor.

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 site does not have access to the shoreline because wave run-up prevents access. Consequently, the single family 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-1-5 (Single family residential - 5,000 square feet) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

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(page 41 of 109 pages)
EXHIBIT F

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets most of the current setbacks that ensure access to light, air, and open space in the neighborhood. In the one location where setbacks are reduced to provide a stairway, this will not significantly affect adjacent property of light, air, or open space because it is a small addition, approximately 8 feet wide by 17 feet in height. Between 6 and 11 feet remain between the structure and the neighboring structure on this side.

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

This finding can be made, in that the proposed location of the single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single family residential - 5,000 square feet) zone district in that the primary use of the property will be one single family dwelling. Where the project does not meet the required side yard setback or maximum frontage devoted to access, variance findings are attached.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) land use designation in the County General Plan.

The proposed addition to the existing single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards, except where noted below, for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the proposed addition will not adversely shade adjacent properties, and will meet current setbacks, except where noted below, for the zone district to ensure access to light, air, and open space in the neighborhood. Where the project does not meet the required east side yard setback or percentage of front area devoted to access variance findings are attached. In addition, light, air, or open space will not be significantly adversely affected by this setback reduction. See Variance findings for further discussion.

CCC Exhibit 1
(page 43 of 109 pages)
EXHIBIT F
EXHIBIT B

The proposed single family dwelling will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single family dwelling will comply with most of the site standards for the R-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity. The structure is well designed for the constrained lot and overall is less than 2000 square feet.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single family dwelling is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to increase the trips per day (1 peak trip per dwelling unit).

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family dwelling is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed single family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

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 the subject parcel is 25 feet wide, ~~35~~ *25* (amended by ZA 11/07/08) feet less than the required parcel width in the zone district. A redesign of the floor space to reorient the stairway within required setback would deprive this property of fully functional floor area, a privilege enjoyed by other properties meeting the required parcel width standard. Furthermore, the narrow parcel width prohibits parking for two parking spaces in the front yard, a privilege enjoyed by other property in the vicinity and under identical zoning classification.

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.

This finding can be made, in that the project will not significantly impact or be materially detrimental to the light, air, or open space available to the adjacent parcel because such a small portion of the building will be located within the setback, a footprint of 23 square feet. The neighbor structure is between 6 and 11 feet away. The project is also conditioned to comply with the fire code requirements that require a 1-hour firewall along that portion of the building. This will ensure safety to the occupants of the dwelling and to the adjacent residence.

Vehicle parking in the front yard will not affect public health, safety, or welfare or be injurious to property or improvements in the vicinity.

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 other properties in the vicinity under similar circumstances, such as this existing narrow parcel, would be given the same consideration. It should also be noted that this variance only allows a small portion of the building to intrude into the setback area.

CCC Exhibit 1
(page 45 of 109 pages)

EXHIBIT F
EXHIBIT B

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

Conditions of Approval

Exhibit A: Plans prepared by Dennis Norton, dated March 13, 2008

I. This permit authorizes the demolition of an existing 432 square foot garage and approximately 40 square feet of first floor area and remodel of the remainder of the existing single story single family dwelling by constructing a 243 square feet attached garage and an addition of 90 square feet on the first floor, and addition of approximately 965 square foot addition on the second floor, and a 50 square foot second story deck. 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.

D. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.

E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way *for review and approval. A special inspection by inspection services may be required (added by the ZA 11/07/08).*

II. Prior to issuance of a Building Permit and or Demolition Permit the applicant/owner shall:

A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

B. The applicant shall have a registered structural engineer examine the existing non-conforming walls by removing the interior finish and inspecting for dry rot and/or termite damage. The structural engineer shall certify the that portions of the structure which the plans show as "proposed to remain" are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. Two copies of the investigation report shall be submitted to the planner and building inspector.

C. 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

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EXHIBIT C

EXHIBIT F

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.

3. The applicant shall provide existing and proposed elevations of the dwelling with floor to ceiling dimensions and floor-to-floor dimensions. Details shall include, but not be limited to, foundation, wall and window openings, and top plate information. Elevations shall be provided side by side. It shall be noted that the Exhibit "A" plans do not accurately represent the location of existing and proposed walls and window openings. This shall be corrected with this plan submittal.

D. 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.

E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. Submit plans meeting all requirements of the County Department of Public Works and specifically address the following:

1. Revise the impervious area calculations to include the pavers and turf block areas. These areas are considered semi-pervious and are charged at a 50 percent. A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

G. Plans shall comply with all requirements of the combined Geotechnical Investigation, Wave run up Analysis, and Engineering Geology Report review, dated August 14, 2008 by Joe Hanna, County Geologist. This shall address the following:

1. Submittal of a final landscape and drainage plan to the County Geologist for review and approval.
2. The project civil engineer and/or geotechnical engineer must develop a plan to monitor the existing seawall to confirm that the wall is functioning

adequately.

a. The owners must continue to monitor and maintain the wall so that the seawall functions as designed.

b. The seawall-monitoring plan must be recorded as part of a declaration of geologic hazards. The notice of geologic hazards will be prepared at the time of the submittal of the Building Permit, and will reference the conclusions of the approved geotechnical engineer and engineering geology report.

3. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations. Plans shall also provide a thorough and realistic representation of ~~all~~ *any(amended by ZA 11/07/08)* grading necessary to complete this project.
4. Plan review letters shall be submitted to Environmental Planning. The authors of the reports shall write the plan review letters. The letters shall state that the project plans conform to the report's recommendations.
5. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.
6. Submit an electronic copy of the soils engineering report, wave run up analysis, and engineering geology report in .pdf format. This document may be submitted on compact disk or emailed to pln829@co.santa-cruz.ca.us.
7. Submit two copies of the reports and updates with the building permit application.

H. Meet all requirements of the County Department of Public Works Sanitation and shall specifically address the following:

1. Plans shall show the proposed location of on-site sewer lateral (s), clean-out(s), and connection(s) to existing public sewer on the plot plan of the building permit application.
2. Plans shall show all existing and proposed plumbing fixtures on floor plans of building application.

I. Meet all requirements of the County Department of Public Works Road Engineering and shall specifically address the following:

1. In order to evaluate access to the single-family dwelling, plans shall show how the property obtains access to the county road system. In addition, plans shall provide details of the intersection of driveway(s) to the county maintained road in plan view.

J. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, $1,000.00 and $109 per bedroom, respectively.

K. Pay the current fees for Roadside and Transportation Improvements for 1

additional bedroom. Currently, these fees are, respectively, $847.00 and $847.00 per bedroom. The total fee is $1,694.00.

L. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

M. 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.

N. No more than 50% of a nonconforming wall shall be altered. This includes walls, windows, doors, studs, top plate, vents, or other openings (added by ZA 11/07/08).

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. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.

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. In the event that future County inspections of the existing dwelling disclose alteration to the existing exterior walls within the required 5 foot side yard setback area exceeding 50 percent of the exterior wall area, a "stop work" order shall be issued on the project and the applicant shall obtain all necessary permits before work may commence.

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, it 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 two years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the

development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey	Sheila McDaniel
Deputy Zoning Administrator	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: 07-0755
Assessor Parcel Number: 028-304-23
Project Location: 7 Rockview Drive, Santa Cruz, CA 95062

Project Description: Demolition of 432 sq.ft. garage and 40 sq.ft. first floor area, remodel dwelling and add a 243 sq.ft. attached garage and 90 sq.ft.first floor area, 965 sq.ft. second floor area, and a 60 sq.ft. second floor deck

Person or Agency Proposing Project: Dennis Norton

Contact Phone Number: (831) 476-2616

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: Exempt

F. Reasons why the project is exempt:

Proposal to construct improvements to existing dwelling

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

_____ Date: _____

Sheila McDaniel, Project Planner

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EXHIBIT F
EXHIBIT D

COUNTY OF SANTA CRUZ
Planning Department

COASTAL DEVELOPMENT PERMIT, RESIDENTIAL DEVELOPMENT PERMIT, AND VARIANCES

Owner: ALEX AND KRISTINE INGRAM
Address: 665 BELDON COURT, LOS ALTOS, CA 94022
Permit Number: 07-0755
Parcel Number(s): 028-304-23

PROJECT DESCRIPTION AND LOCATION

Permit to demolish an existing 432 square foot garage and approximately 50 square feet of first floor area, and remodel remainder of existing single family dwelling by constructing a 243 square foot attached garage and an addition of 90 square feet on first floor, an addition of approximately 965 square feet on the second floor, and a 60 square foot second story deck. The project requires a Coastal Development Permit, a Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, a Variance to cover greater than 50% of front yard with driveway, and a Variance to reduce the required east side yard setback from 5 feet to 2 feet. Project is located on the south side of South Palisades at 7 Rockview Drive in Santa Cruz.

SUBJECT TO ATTACHED CONDITIONS

Approval Date: 11/07/08 **Effective Date:** 11/24/08
Exp. Date (if not exercised): see conditions **Coastal Appeal Exp. Date:** see Coastal Com.
Denied by: _____ **Denial Date:** _____

___ This project requires a coastal zone permit, which is not appealable to the California Coastal Commission. It may be appealed to the Planning Commission. The appeal must be filed within 14 calendar days of action by the decision body.

X This project requires a Coastal Zone Permit, the approval of which is appealable to the California Coastal Commission. (Grounds for appeal are listed in the County Code Section 13.20.110.) The appeal must be filed with the Coastal Commission within 10 business days of receipt by the Coastal Commission of notice of local action. Approval or denial of the Coastal Zone Permit is appealable. The appeal must be filed within 14 calendar days of action by the decision body.

This permit cannot be exercised until after the Coastal Commission appeal period. That appeal period ends on the above indicated date. Permittee is to contact Coastal staff at the end of the above appeal period prior to commencing any work.

A Building Permit must be obtained (if required) and construction must be initiated prior to the expiration date in order to exercise this permit. **THIS PERMIT IS NOT A BUILDING PERMIT.**

By signing this permit below, the owner agrees to accept the terms and conditions of this permit and to accept responsibility for payment of the County's costs for inspections and all other actions related to noncompliance with the permit conditions. This permit shall be null and void in the absence of the owner's signature below.

Kristine M Ingram — Signature of Owner/Agent — 11-18-08 — Date

[illegible] — Staff Planner — 7/22/09 — Date

Distribution: Applicant, File, Clerical, California Coastal Commission

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EXHIBIT F

Staff Report & Development Permit
Level 3 – Administrative Review

Application Number: **09-0142** APN: **028-304-23**
Applicant: **Dennis Norton** Owner: **Alex and Kristine Ingram, Trustees**
Site Address: **7 Rockview Drive, Santa Cruz**

Proposal & Location

Proposal to revise the construction approved under Coastal Development Permit 07-0755 by increasing the area of the proposed garage from 243 square feet to 322 square feet, by decreasing the area of the second story addition from 965 square feet to 395 square feet, and by increasing the area of the proposed second story deck from 60 square feet to 98 square feet. The project requires a minor variation to 07-0755.

The property is located on the south side of South Palisades at 7 Rockview Drive.

Analysis

The proposed redesign will result in an overall reduction in second floor area on the ocean side of the proposed building though the second story deck will be enlarged approximately 40 feet. The one car garage will also be widened by approximately four to five feet to improve vehicle parking and access. The proposed courtyard previously adjacent to the west side of the garage will be eliminated and the proposed door will now face the street.

The proposed changes reduce the massing previously proposed on the ocean side of the dwelling and create a building entry visible from the street. These changes will increase the ocean view of the adjoining two story dwelling to the west and create a greater neighborhood presence along the street front. The proposed modifications have been reviewed by the Urban Designer and neighborhood compatibility has been evaluated by staff. The revised project received a positive design review. The proposed alterations do not adversely impact the neighborhood as the overall square footage will be reduced, there will be a reduction in massing, and the proposed changes do not significantly alter the architectural style or character of the previously approved project. An operational condition of approval has been added to the permit conditions to note that this minor variation shall supercede Permit 07-0755 once this minor variation permit has been exercised, This will prohibit the construction of the original project approved by 07-0755 at any time after issuance of the building permit for the revised project.

Findings are on file in the County Planning Department.

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Staff Recommendation

The Planning Department has taken administrative action on your application as follows:

__X__ Approved (if not appealed).

EXHIBIT G

_____ Denied (based on the attached findings).

NOTE: This decision is final unless appealed.

See below for information regarding appeals. You may exercise your permit after signing below and meeting any conditions that are required to be met prior to exercising the permit. If you file an appeal of this decision, permit issuance will be stayed and the permit cannot be exercised until the appeal is decided.

Please note: This permit will expire unless exercised prior to the expiration date. (See the Conditions of Approval below for the expiration date of this permit.)

If you have any questions about this project, please contact Sheila McDaniel at: (831) 454-3439 or sheila.mcdaniel@co.santa-cruz.ca.us

Report Prepared By: _____

Sheila McDaniel
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

Report Reviewed By: _____

Paia Levine
Principal Planner
Development Review
Santa Cruz County Planning Department

Mail to: Dennis Norton
712 Suite C. Capitola Avenue
Capitola, CA 95010

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EXHIBIT G

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **09-0142** (APN 028-304-23) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 028-304-23) must sign this form.

Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

Conditions of Approval

Minor Variation #: **09-0142**

Applicant: **Dennis Norton**

Property Owner: **Alex and Kristine Ingram, Trustees**

Assessor's Parcel No. **028-304-23**

Exhibit A: Architectural Plans prepared by Dennis Norton, Sheet 1 dated April 16, 2009, Sheet 3 dated November 29, 2007, Sheet 4 dated May 5, 2009, Sheet 5 dated April 15, 2009, Sheet 8 dated April 14, 2009
Surveyor's Map Sheet 1 of 1, prepared by Michael Beautz dated December 2007

I. Proposal to revise the construction approved under Coastal Development Permit 07-0755 (Proposal to demolish an existing 432 square foot garage and approximately 50 square feet of first floor area and remodel the remainder of the existing single story single family dwelling by constructing a 243 square foot attached garage and an addition of 90 square feet on the first floor, and addition of approximately 965 square foot addition on the second floor, and a 60 square foot second story deck). The revision will increase the area of the proposed garage from 243 square feet to 322 square feet, decrease the area of the second story addition from 965 square feet to 395 square feet, and increase the area of the proposed second story deck from 60 square feet to 98 square feet.

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.

D. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.

E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way for review and approval. A special inspection by inspection services may be required.

II. Prior to issuance of a Building Permit and or Demolition Permit the applicant/owner shall:

A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).

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EXHIBIT G

B. The applicant shall have a registered structural engineer examine the existing non-conforming walls by removing the interior finish and inspecting for dry rot and/or termite damage. The structural engineer shall certify the that portions of the structure which the plans show as "proposed to remain" are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. Two copies of the investigation report shall be submitted to the planner and building plans examiner.

C. 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.

3. The applicant shall provide existing and proposed elevations of the dwelling with floor to ceiling dimensions and floor-to-floor dimensions. Details shall include, but not be limited to, foundation, wall and window openings, and top plate information. Elevations shall be provided side by side. It shall be noted that the Exhibit "A" plans do not accurately represent the location of existing and proposed walls and window openings. This shall be corrected with this plan submittal.

D. 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.

E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. Submit plans meeting all requirements of the County Department of Public Works and specifically address the following:

1. Revise the impervious area calculations to include the pavers and turf block areas. These areas are considered semi-pervious and are charged at a 50 percent. A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.

G. Plans shall comply with all requirements of the combined Geotechnical

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EXHIBIT G

Investigation, Wave run up Analysis, and Engineering Geology Report review, dated August 14, 2008 by Joe Hanna, County Geologist. This shall address the following:

1. Submittal of a final landscape and drainage plan to the County Geologist for review and approval.
2. The project civil engineer and/or geotechnical engineer must develop a plan to monitor the existing seawall to confirm that the wall is functioning adequately.
   a. The owners must continue to monitor and maintain the wall so that the seawall functions as designed.
   b. The seawall-monitoring plan must be recorded as part of a declaration of geologic hazards. The notice of geologic hazards will be prepared at the time of the submittal of the Building Permit, and will reference the conclusions of the approved geotechnical engineer and engineering geology report.
3. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations. Plans shall also provide a thorough and realistic representation of any grading necessary to complete this project.
4. Plan review letters shall be submitted to Environmental Planning. The authors of the reports shall write the plan review letters. The letters shall state that the project plans conform to the report's recommendations.
5. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.
6. Submit an electronic copy of the soils engineering report, wave run up analysis, and engineering geology report in .pdf format. This document may be submitted on compact disk or emailed to pln829@co.santa-cruz.ca.us.
7. Submit two copies of the reports and updates with the building permit application.

H. Meet all requirements of the County Department of Public Works Sanitation and shall specifically address the following:

1. Plans shall show the proposed location of on-site sewer lateral (s), clean-out(s), and connection(s) to existing public sewer on the plot plan of the building permit application.
2. Plans shall show all existing and proposed plumbing fixtures on floor plans of building application.

I. Meet all requirements of the County Department of Public Works Road Engineering and shall specifically address the following:

1. In order to evaluate access to the single-family dwelling, plans shall show how the property obtains access to the county road system. In addition, plans shall provide details of the intersection of driveway(s) to the county maintained road in plan view.

J. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, $1,000.00 and $109 per bedroom, respectively.

K. Pay the current fees for Roadside and Transportation improvements for 1 additional bedroom. Currently, these fees are, respectively, $847.00 and $847.00 per bedroom. The total fee is $1,694.00.

L. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.

M. 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.

N. No more than 50% of a nonconforming wall shall be altered. This includes walls, windows, doors, studs, top plate, vents, or other openings.

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. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.

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.

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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. In the event that future County inspections of the existing dwelling disclose alteration to the existing exterior walls within the required 5 foot side yard setback area exceeding 50 percent of the exterior wall area, a "stop work" order shall be issued on the project and the applicant shall obtain all necessary permits before work may commence.

C. This minor variation permit shall supercede Permit 07-0755 once this minor variation permit has been exercised. This shall prohibit the construction of the project plans approved by 07-0755 at any time after issuance of the building permit for this revised project.

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, it 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.

Please note: This permit does not alter the expiration date of the original permit 07-0755 and must be exercised by the expiration date 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: 6/9/09

Effective Date: 6/23/09

Expiration Date: 12/15/2010

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.

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EXHIBIT G

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION

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

Application Number: 09-0142
Assessor Parcel Number: 028-304-23
Project Location: 7 Rockview Drive, Santa Cruz

Project Description: Proposal to revise the construction approved under Coastal Development Permit 07-0755. Requires a Minor Variation.

Person or Agency Proposing Project: Dennis Norton

Contact Phone Number: (831) 476-2616

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:**

Revisions to approved single family dwelling

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

Sheila McDaniel, Project Planner

Date: 6/9/09

CCC Exhibit 1
(page 63 of 109 pages)

EXHIBIT G

By signing this permit below, the owner(s) agree(s) to accept the terms and conditions of permit number **09-0142** (APN 028-304-23) and to accept responsibility for payment of the County's cost for inspection and all other action related to noncompliance with the permit conditions. This permit is null and void in the absence of the property owner(s) signature(s) below. All owners of the subject property (APN 028-304-23) must sign this form.

[signature]	Alex L. Wolan Jr	7/28/09
Signature of Owner	Print Name	Date
Kristine M Ingram	Kristine M Ingram	7/28/09
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date
Signature of Owner	Print Name	Date

(This page is intended for your personal records, please retain this signed page and return the signed Signature Page, included later in this document, to acknowledge acceptance of this permit.)

Appeals

In accordance with Section 18.10.300 et seq of the Santa Cruz County Code, the applicant may appeal an action or decision taken on a Level III project such as this one. Appeals of administrative decisions of are made to the Planning Director. All appeals shall be made in writing and shall state the nature of the application, your interest in the matter, and the basis upon which the decision is considered to be in error. Appeals must be made no later than fourteen (14) calendar days following the date of action from which the appeal is being taken and must be accompanied by the appropriate appeal filing fee.

70232M

PLANNING DEPARTMENT

GOVERNMENTAL CENTER

COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123

BUILDING PERMIT APPLICATION

APPLICATION NO.: 70232M

PRINT DATE: 02/03/2010
APPLICATION DATE: 01/21/2010

PHONE: (831)454-2260 BETWEEN 1-5
FORM OF PLANS: BLUEPRINTS

PARCEL NO. 028-304-23
SITUS ADDRESS 7 ROCKVIEW DR SANTA CRUZ

PROJECT TYPE: CO **ORIGINAL PERMIT:** 00152273

PROJECT DESCRIPTION:
CO: 272
Change order to BP# 152273(RA/RE) to include 508sq.ft. addition to relocate master bedroom, create new master bath & add 125sq.ft. balcony to the second story.
Remodel to include remove closets/wall to convert lower bedroom#2 to dining room.
Results in a 2-story SFD with 3 bedrooms, 3 baths, family/dining room, living room, entry, attached garage.

APPLICANT:	DENNIS NORTON 712 C CAPITOLA AV CAPITOLA CA 95010	BUS: (831) 476-2616
DESIGNER/ARCHITECT:	DENNIS NORTON 712 C CAPITOLA AV CAPITOLA CA 95010-	BUS: (831) 476-2616
ENGINEER:	KEVIN BAIRD 7960B SOQUEL DRIVE #240 APTOS CA 95003	BUS: (831) 661-0564
OWNER:	INGRAM ALEX L JR & KRISTINE TRUSTEES 665 BELDEN CT LOS ALTOS CA 94022	RES: (650) 917-8678
CONTACT:	DENNIS NORTON 712 C CAPITOLA AV CAPITOLA CA 95010	BUS: (831) 476-2616

OCCUPANCY GROUP(S): R-3
NO. OF PERMITS TO BE ISSUED: 1
PERMIT WILL BE ISSUED TO: CONTRACTOR
MEASURE J ALLOCATION REQUIRED: NO
VALUATION: 43300.00

ROUTING: **ESTIMATED TIME FOR FIRST REVIEW:** 2 WEEKS

BUILDING PLAN CHECK
CONSOLIDATION
CENTRAL FIRE PROTECTION DIST
DPW SANITATION
ZONING REVIEW

CCC Exhibit 1 **(page** 65 **of** 109 **pages)**

APPLICATION FEES: **RECEIPT:** 00121839 **DATE PAID:** 01/21/2010

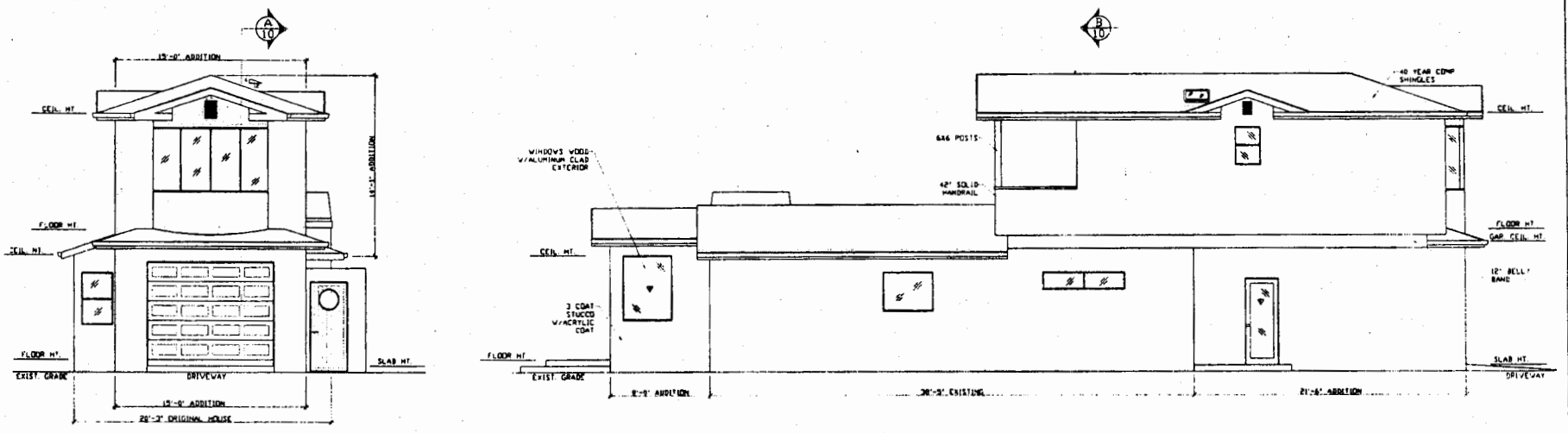
BUILDING PERMIT PROCESSING	130.06
BUILDING PLAN CHECK	66.60
MAINT. GENERAL PLAN	77.73
UPDATE GENERAL PLAN	38.87
*** TOTAL ***	2059.93 ***

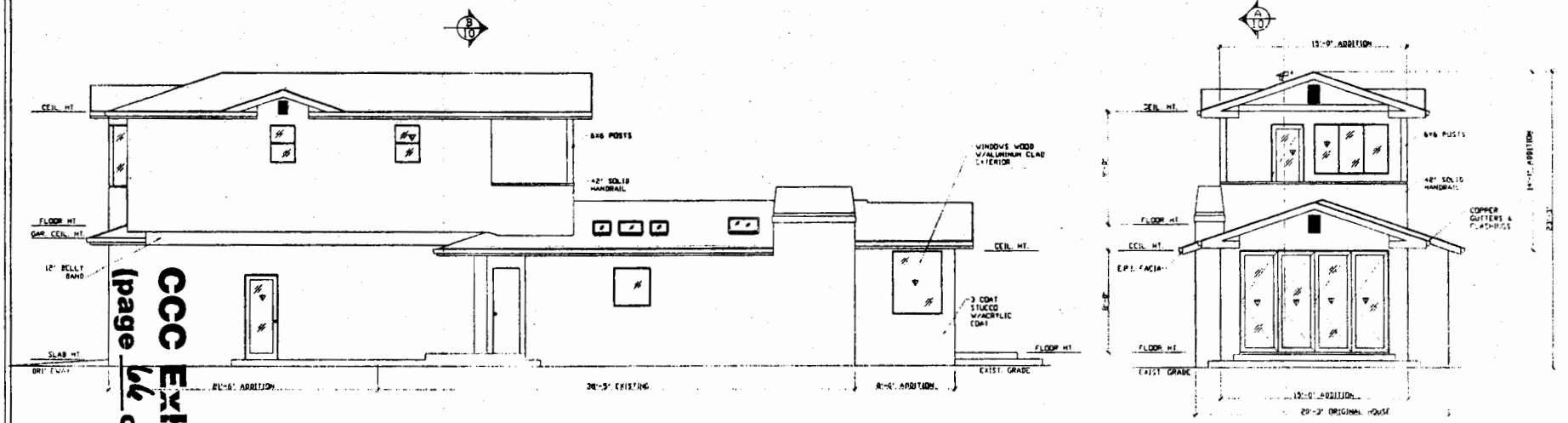
CHANGE ORDER

1 — VERSION
152272(RA/RE) — ISSUED PERMIT NUMBER
2-9-10 — DATE
DVG. — STAFF

ORIGINAL - OFFICE

EXHIBIT H





ELEVATIONS

NOTE: ▽ = TEMPERED GLASS

JUNE 9, 2009
09-0142

CCC Exhibit 1 (page 64 of 109 pages)

EXHIBIT 1

OWNER:
ALEX & KRIS INGRAM
745 DISTEL DR. STE 129
LOS ALTOS, CA 94022
(550)917-8618

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING
717 C CAPITOLA AV. CAPITOLA CA 95010 831 479 2818

DRAWN: CC
SCALE: 1/4"=1'-0"
JOB: ROCKVIEW
DATE: 04/15/09
SHEET: 5
OF 1 SHEETS

CCC Exhibit 1
(page 67 of 109 pages)

I N G R A M
Residence

GENERAL INFORMATION		
SITE AREA:		ZONE:
5,219 SQ. FT. NET		R-1-5
5,853 SQ. FT. GROSS		
BUILDING:		
EXISTING LIVING	784	SQ. FT.
GARAGE	432	SQ. FT.
TOTAL	1,216	SQ. FT.
PROPOSED LIVING	1,828	SQ. FT.
DECK	60	SQ. FT.
GARAGE	243	SQ. FT.
TOTAL	2,131	SQ. FT.

THE DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES IN DIMENSIONS, FIELD CONDITIONS, OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR DIFFERS FROM THESE DOCUMENTS.
THESE DOCUMENTS ARE THE PROPERTY OF THE DESIGNER AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE DESIGNER DISCLAIMS ANY RESPONSIBILITY RESULTING FROM THEIR UNAUTHORIZED USE.
COPYRIGHT PROTECTION STARTS FROM THE EARLIEST DATE OF THE DESIGN CONTRACT, PRELIMINARY DESIGN WORK, OR THE CONSTRUCTION DOCUMENTS.

LEGEND OF SHEETS	
PAGE	TITLE
1	COVER SHEET, PROJECT INFO
2	SITE PLAN
2a	SURVEY
3	[redacted]
4	PROPOSED FLOOR PLANS
5	ELEVATIONS
6	STREETSCAPE
8	[redacted]
10	
11	

N O T E S

GENERAL:
1. ALL WORK SHALL CONFORM WITH THE 2007 C.B.C. AND ALL APPLICABLE CODES, STANDARDS, AND LOCAL ORDINANCES.
2. CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES IN THE FIELD.
3. VERIFY THE STABILITY OF ALL ELEMENTS BEFORE DOING ANY WORK, AND PROVIDE SHORING, BRACING AND/OR SUPPORT AS REQUIRED.
4. VERIFY ALL GRADES AND DIMENSIONS IN FIELD. WRITTEN DIMENSIONS SHALL SUPERCEDE SCALED DRAWINGS. CONTACT DESIGNER IF ANY DISCREPTIONS EXIST.
5. CONTRACTOR SHALL REMOVE ALL DEBRIS PROMPTLY AND KEEP CONSTRUCTION SITE ORDERLY.
6. PLUMBING AND MECHANICAL PLANS WILL BE SUBMITTED BY THE CONTRACTOR.
7. NO PERSON MAY TAP INTO ANY FIRE HYDRANT FOR ANY PURPOSE OTHER THAN FIRE SUPPRESSION OR AID, WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE WATER SUPPLIER AND FROM COUNTY HEALTH DEPT.
8. ALL HOSES USED IN CONNECTION WITH ANY CONSTRUCTION ACTIVITIES SHALL HAVE A SHUT OFF NOZZLE. WHEN AN AUTOMATIC SHUTOFF NOZZLE CAN BE OBTAINED FOR THE SIZE/TYPE OF HOSE USED, PROVIDE AUTOMATIC SHUTOFF NOZZLE.
9. NO POTABLE WATER MAY BE USED FOR COMPACTION OR DUST CONTROL IN CONSTRUCTION ACTIVITIES WHERE THERE IS REASONABLY AVAILABLE RECLAIMED OR SUB-POTABLE WATER APPROVED BY THE COUNTY HEALTH DEPT.
10. ALL WORK AND CONSTRUCTION SHALL COMPLY WITH THE 2007 CALIFORNIA BUILDING CODE (CBC), AND ALL OTHER APPLICABLE BUILDING CODES, REGULATIONS AND SAFETY REQUIREMENTS.
11. PERMANENT PROPERTY CORNER HUBS ARE REQUIRED TO BE IN PLACE PRIOR TO FOUNDATION INSPECTION. THERE IS REASONABLY AVAILABLE RECLAIMED OR SUB-POTABLE WATER APPROVED BY THE COUNTY HEALTH DEPT.

SITE:
1. FINISH GRADE SHALL SLOPE (MINIMUM 2%) AWAY FROM STRUCTURE.
2. ALL DISTURBED AREAS, NOT WITHIN LANDSCAPE PLAN, TO BE REVEGETATED WITH NATIVE GRASSES.
3. ALL MATERIALS CONTAINING GRASS, BRUSH, OR ROOTS SHALL BE STRIPPED PRIOR TO ANY GRADING OPERATIONS. THIS MATERIAL SHOULD BE STOCKPILED FOR LATER USE AS TOPSOIL.
4. TREES NOTED TO BE SAVED ARE TO BE PROVIDED PROTECTION BY FENCING OR OTHER MEANS DURING CONSTRUCTION.
5. "THE INSTULATION FORM CF-6R AND INSULATION OF THE CERTIFICATION ARE REQUIRED TO BE POSTED AT THE JOB SITE DURING THE CONSTRUCTION PHASE OF THE PROJECT."
6. ALL SITE DRAINAGE.

ENERGY REQUIREMENTS:
1. ALL EXTERIOR DOORS SHALL HAVE ALUMINUM OR WOOD THRESHOLD AND INTERLOCKING WEATHERSTRIP, UNLESS NOTED OTHERWISE.
2. JOINTS AND PENETRATIONS SHALL BE CAULKED AND SEALED.
3. DOORS AND WINDOWS SHALL BE CERTIFIED.
4. EXHAUST SYSTEM SHALL HAVE DAMPER CONTROLS.
5. HVAC EQUIPMENT SHALL HAVE SET BACK THERMOSTAT.
6. WATER HEATER SHALL BE WRAPPED WITH R-12 MIN'M. FIRST FIVE FEET OF PIPES CLOSEST TO TANK SHALL BE WRAPPED WITH R-3 MIN'M.
7. DUCTS SHALL BE CONSTRUCTED, INSULATED AND INSTALLED PER 2007 C.B.C.
8. HVAC EQUIPMENT, WATER HEATER, SHOWER HEADS AND FAUCETS SHALL BE CERTIFIED BY THE C.E.C
9. ALL WINDOWS DOUBLE GLAZED EXCEPT WHERE NOTED OTHERWISE.
10. CONTRACTOR TO PROVIDE & POST ON THE STRUCTURE AT FINAL INSPECTION A COMPLETED INSULATION CERTIFICATE.
11. ALL LIGHTING / LUMINAIRES SHALL EITHER BE HIGH EFFICACY OR SHALL BE CONTROLLED BY AN OCCUPANT SENSOR IN BATHROOMS, GARAGES, LAUNDRY ROOMS, AND UTILITY ROOMS.
12. FLUORESCENT LIGHTING IN ALL HABITABLE ROOMS OR SPECIFY DIMMER SWITCHES IF IF LIGHTING IS TO BE NON-FLUORESCED.
13. FLUORESCENT LIGHTING FOR ALL OUTDOOR LIGHTING OR SPECIFY MOTION SENSOR SWITCHES WITH INTEGRAL PHOTO CONTROL.
14. RECESSED LUMINAIRES ARE REQUIRED TO BE LABELED FOR ZERO CLEARANCE INSULATIONCOVERAGE (IC) AND SHALL BE LABELED AIR TIGHT (AT).

FOUNDATION:
1. CONTRACTOR SHALL CAREFULLY EXCAVATE ALL MATERIALS NECESSARY, OF WHATEVER NATURE, FOR CONSTRUCTION OF THE WORK. ANY MATERIAL OF AN UNSUITABLE OR DELETERIOUS NATURE DISCOVERED BELOW THE BOTTOMS OF THE FOUNDATIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH WORK.
2. GROUND ON WHICH GRADE BEAMS AND EXTERIOR CONCRETE FLATWORK ARE CONSTRUCTED MUST BE LIGHTLY PREMOISTENED BEFORE CONCRETE IS PLACED.
3. USE 2X6 PRESSURE TREATED SILLS OVER CONCRETE OR MASONRY FOUNDATION WALLS.
4. USE MINIMUM 5/8" X 10" A.B., AT 48" O.C., UNLESS NOTED OTHERWISE. ALL ANCHOR BOLTS SHALL BE INSTALLED WITH METAL WASHERS (2" X 2" X 3/16"). FOUNDATION DETAILS SHALL SUPERCEDE GENERAL NOTES.
5. ALL 4X4 POSTS OVER SINGLE FOOTINGS TO BE CROSS BRACED WITH 1X4 IF THEY ARE HIGHER THAN 36".
6. PROVIDE 18"X24" CRAWL ACCESS WITHIN 20'-0" OF ALL BATHROOMS AND PLUMBING CLEANOUTS. PROVIDE ADDITIONAL 18" ACCESS UNDER MAIN HEAT DUCT.
7. PROVIDE SIMPSON NO. 26 OR EQUAL 6"X14" FOUNDATION VENTS (2 S.F. PER 25 L.F.). PLACE AT MAX'M 8'-0" O.C. STARTING AS CLOSE TO CORNERS AS POSSIBLE AND LOCATED TO PROVIDE CROSS VENTILATION.
8. PROVIDE MIN'M 60 SQ. IN. FIXED VENTILATION PER CAR TO OUTSIDE AIR, 6" ABOVE GARAGE FLOOR.
9. CONCRETE SHALL DEVELOP 2500 PSI MIN'M COMPRESSIVE STRENGTH AT 28 DAYS. IN ACCORDANCE WITH THE PROVISIONS IN ACI 308, STANDARD PRACTICE FOR CURING CONCRETE,LATEST EDITION. ALL CONCRETE WORK SHALL CONFORM WITH THE APPLICABLE PROVISIONS,LATEST EDITION (C.B.C. 2001).
10. REINFORCING STEEL SHALL CONFORM TO ASTM A615 GRADE 40 FOR #3 BARS AND SMALLER, AND GRADE 60 FOR #4 BARS AND LARGER. BARS SHALL BE WIRED TOGETHER AND LAPPED AT SPLICES A MINIMUM OF 40 BAR DIAMETERS IN CONCRETE AND MASONRY. WHERE PAIRS OF SINGLE LAYER HORIZONTAL BARS MEET AT CORNERS, HOOK ONE BAR TO LAP 40 BAR DIAMETERS WITH THE INTERSECTING BAR. ALTERNATELY, PROVIDE L BARS WITH EACH LEG 40 BAR DIAMETERS. SEE DRAWINGS FOR OTHER LAP REQUIREMENTS, WHERE NOTED. WHERE CONCRETE IS POURED AGAINST EARTH, PROVIDE 3" MINIMUM CONCRETE AROUND REINFORCED STEEL. CONCRETE COVER FOR OTHER CONDITION SHALL BE AS FOLLOWS :(1) ABOVE GRADE FORMED - 1 1/2" MIN. (2) BELOW GRADE-FORMED - 2" MIN. (3) OTHER - SEE PLANS.
11. PROVIDE NECESSARY HOLES THROUGH CONCRETE FOR ACCESS, PLUMBING, ETC. SEE FOUND. DET.
12. GARAGE SLAB TO BE FINISHED SMOOTH. ALL OTHER EXPOSED CONCRETE SLABS SHALL BE LIGHT BROOM FINISH, UNLESS NOTED OTHERWISE.
13. SLOPE GARAGE SLAB 1/4:12 TO OUTSIDE FOR DRAINAGE.
14. ALL DIMENSIONS ARE TO FACE OF CONCRETE FOR FOUNDATION FACE OF STUDS FOR FRAMING, U.N.O
15. FRAMING ANCHORS AND STRAPS AND OTHER STANDARD FRAMING ACCESSORIES SHALL BE "SIMPSON" OR APPROVED EQUAL, OF THE DESIGNATION NOTED ON THE PLANS. ALL NAIL HOLES SHALL BE FILLED, AND NAILS SHALL BE OF THE SIZE AND LENGTH SPECIFIED AND/OR SUPPLIED BY THE MANUFACTURER, UNLESS NOTED OTHERWISE. WHEN INSTALLING OVER PLYWOOD, USE COMMON NAILS. JOIST AND BEAM HANGERS SHALL BE U-TYPE, EXCEPT AS NOTED. Z-MAX OR EQUAL AT PRESSURE TREATED WOOD
16. CONCRETE EXPANSION ANCHORS WHERE SPECIFIED SHALL BE PHILLIPS "RED HEAD" HILTI "KWIK-BOLTS", OR APPROVED EQUAL. WHERE EXPOSED TO WEATHER, ANCHORS SHALL BE STAINLESS STEEL.
17. EPOXY BONDING AGENT SHALL BE SIMPSON EPOXY-TIE E132 (ICBO No. 4945), HILTI HITC-100 (ICBO No. 4419), OR CONVERT OPERATIONS CIA INJECTION ADHESIVE (ICBO No. 4846), OR APPROVED EQUAL, 100% SOLIDS, TWO-COMPONENT LIQUID EPOXY, INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S APPROVED DIRECTIONS. ALL SURFACES TO RECIEVE EPOXY SHALL BE THOROUGHLY CLEANED AND DRY
18. POWDER DRIVEN ANCHORS SHALL BE HILTI, RAMSET, OR APPROVED EQUAL OF THE DESIGNATION AND SPACING NOTED ON THE PLANS. ANCHORS SHALL FULLY PENETRATE STEEL FRAMING MEMBERS, WITH THE FULL LENGTH OF THE TAPERED TIP SHOWING

FRAMING, FINISHES, ETC.:
1. ALL CONSTRUCTION SHALL CONFORM TO THE "GENERAL CONSTRUCTION REQUIREMENTS," THE "CONVENTIONAL CONSTRUCTION PROVISIONS" AND ANY OTHER SECTION OF 2007 C.B.C. UNLESS NOTED OTHERWISE IN THE PLANS OF THESE SPECIFICATIONS
2. METAL FRAME CONNECTORS SHALL BE SIMPSON OR EQUAL. INSTALL PER MANUFACTURERS SPECIFICATIONS
3. NAILS EXPOSED TO WEATHER OR P.T. WOOD SHALL BE GALVANIZED. USE COMMON TYPE NAILS U.N.O.
4. FLOOR JOISTS AND CEILING JOISTS TO BE SIDE LAPPED AND NAILED OVER TOP PLATES.
5. DOUBLE JOISTS UNDER PARALLEL PARTY WALLS.
6. PROVIDE RAFTER TIES (MIN'M. 1X8 @ 48" O.C.) IN LOWER THIRD OF ATTIC WHERE CEILING JOISTS ARE NOT PARALLEL TO RAFTERS.
7. ALL BOLTS THROUGH WOOD SHALL BE A DRIVE FIT WITH WASHER UNDER HEADS AND NUTS.
8. PROVIDE SOLID BLOCKING AT ENDS OF ALL JOISTS AND RAFTERS, OVER BEARING WALLS AND AT 8'-0" O.C. MAX. FOR 2X12 AND DEEPER MEMBERS.
9. ATTIC VENTILATION EQUALS MIN'M 1/150 OF AREA TO BE VENTED OR AS PER SEC. 1505.3 C.B.C.
10. PROVIDE 22"X30" ATTIC ACCESS, WITH MIN'M 30" HEAD ROOM
11. ALL TUB AND SHOWER ENCLOSURES SHALL BE AN APPROVED SHATTER PROOF MATERIAL.
12. ALL EXTERIOR WALL COVERAGE SHALL BE APPLIED OVER MIN'M. 15 LB. BUILDING PAPER.
13. EXTERIOR STUCCO WALLS SHALL HAVE A 3 1/2" WEEP SCREED AT OR BELOW THE FOUNDATION PLATE LINE AND 4" MIN. ABOVE GRADE AND TWO LAYERS OF GRADE D PAPER OVER WOOD BASE SHEATHING (SEC. 2506.5 C.B.C.) STUCCO TO BE APPLIED W/3 COAT APPLICATION.
14. INSTALL ALL C.I. MATERIAL ROOF JACKS FOR PLUMBING VENTS, ETC., AS REQUIRED.
15. PROVIDE DOUBLE RAFTERS AND HEADERS AT ALL SKYLIGHT OPENINGS.
16. SHOWER AREA WALLS SHALL BE FINISHED WITH SMOOTH, NON-ABSORBENT SURFACE TO MIN'M. HEIGHT OF 70" ABOVE DRAIN.
17. OCCUPANCY SEPARATION BETWEEN GARAGE AND HOUSE SHALL BE OF ONE HOUR CONSTRUCTION (5/8" TYPE "X" SHEETROCK) ON GARAGE SIDE WITH A SELF-CLOSING, TIGHT FITTING, SOLID CORE DOOR 1 3/8" MIN. IN THICKNESS
18. MINIMUM 6'-8" CLEARANCE REQUIRED FROM STAIR TREAD NOSING TO CEILING.
19. COMBUSTION AIR: PROVIDE 2 - 6"X14"-1/4" MESH VENTS 6" FROM FLOOR & 6" FROM CEILING.
20. SKYLIGHTS SHALL COMPLY WITH UBC SECTION 2409 FOR GLAZED SKYLIGHTS, OR WITH UBC CHAPTER 26 FOR PLASTIC SKYLIGHTS.
21. TUB ENCLOSURES SHALL BE FULLY TEMPERED GLASS, LAMINATED SAFETY GLASS OR APPROVED PLASTIC OF A SHATTER-RESISTANT TYPE.
22. INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SHALL PREVENT PASSAGE OF A 4" DIAMETER SPHERE; A LOAD OF 20 LBS. PER LINEAR FOOT APPLIED HORIZONTALLY TO THE TOP RAIL.
23. ALL FRAMING LUMBER SHALL BE GRADE STAMPED. ALL WALLS SHALL BE FRAMED WITH 2X4 STUDS @ 16" O.C. - UNLESS OTHERWISE SPECIFIED.
24. PLYWOOD SHALL BE APA RATED SHEATHING CONFORMING TO PS1-83, EXPOSURE 1 OF EXTERIOR, OF THE THICKNESS, GRADE AND/OR SPAN RATING NOTED ON THE DRAWINGS. LAY FACE GRAIN OF SHEETS PERPENDICULAR TO SUPPORTING MEMBERS OF HORIZONTAL DIAPHRAGMS. SHEETS MAY BE LAID WITH FACE GRAIN EITHER PERPENDICULAR OR PARALLEL TO SUPPORTING MEMBERS OF VERTICAL DIAPHRAGMS, PROVIDED THAT ALL SHEET EDGES ARE BLOCKED. PROVIDE ONE PLYCLIP AT THE CENTER OF ALL UNSUPPORTED SHEET EDGES ON ROOFS, UNLESS TONGUE AND GROOVE EDGES ARE USED.
25. PLYWOOD EDGE NAILING PER 2007 C.B.C. OR AS SPECIFICALLY NOTED) SHALL OCCURE AT ALL FRAMED OR BLOCKED SHEET EDGES AND AT OTHER LOCATIONS INDICATED ON THE PLANS AND DETAILS, WHETHER OR NOT SHEET EDGES OCCUR AT THESE OTHER LOCATIONS.
26. MICROLAM MEMBERS SHALL BE AS MANUFACTURED BY TRUS JOIST, OR APPROVED EQUAL, IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS: Fb=2800 psi, E=1,900,000 psi, CONFORMING TO NER-481.
27. GLU-LAMINATED BEAMS MANUFACTURED BY AN APPROVED FABRICATOR. CERTIFICATE OF COMPLIANCE SHALL BE PROVIDED UNLESS NOTED. GLU-LAMS SHALL BE GRADE 24F-V4 FOR SIMPLE SPANS.
28. STUD WALLS HORIZONTAL BRIDGING SHALL BE INSTALLED IN ALL WALLS AND PARTITIONS WHERE STUDS ARE GREATER THAN EIGHT FEET IN HEIGHT. STUD WALLS SUPPORTING BEAMS SHALL HAVE POSTS OF THE SAME WIDTH UNDER BEARINGS UNLESS OTHERWISE NOTED.
29. WOOD SILLS SHALL BE ATTACHED TO CONCRETE FOUNDATIONS OR SLAB WITH 5/8" X 10" ANCHOR BOLTS @ 4'-0" O.C. MAXIMUM SPACING, EXCEPT AS NOTED OTHERWISE. THERE SHALL BE A MINIMUM OF TWO BOLTS, INCLUDING ONE BETWEEN 6" AND 10" FROM EACH ADJOINING PIECE.
EXCEPT AS OTHERWISE NOTED. ALL CUTS IN PLATES SHALL OCCUR OVER A STUD.
30. DOUBLE PLATES SHALL LAP A MINIMUM OF 4'-0" AT SPLICES AND BE NAILED WITH NO LESS THAN #8-16d NAILS
31. HOLES IN WOOD SILLS OR PLATES OF SHEAR OR BEARING WALLS SHALL BE PLACED IN THE CENTER OF THE PIECE AND SHALL BE NO GREATER IN DIAMETER THAN 1/3 THE WIDTH OF THE MEMBER. HOLES LARGER THAN NOTED ABOVE MAY BE BORED IN SILLS, PROVIDING THE SILL IS CONSIDERED CUT IN TWO AND ANCHOR BOLTS ARE PLACED ACCORDINGLY.
32. LINTELS OVER OPENINGS IN NON-BEARING WALLS SHALL BE SOLID MEMBERS THE WIDTH OF THE STUDS AND OF A MINIMUM NOMINAL DEPTH IN INCHES AT LEAST EQUAL TO THE SPAN LENGTH IN FEET. LINTELS IN BEARING WALLS SHALL BE AS NOTED ON THE PLANS.
33. CUTTING OF BEAMS AND JOISTS FOR PIPES SHALL BE NOT PERMITTED WITHOUT THE PRIOR APPROVAL OF THE ENGINEER.
34. ALL TIMBER FRAMING TO HAVE MOISTURE CONTENT OF 19% OR LESS @ THE TIME OF CONNECTION INSTALLATION

PLUMBING:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION (2007 C.B.C.) AND ALL APPLICABLE CODES AND LOCAL ORDINANCES.
2. SLOPE OF DRAINS 1/4"/FT MIN'M. CLEARANCE FOR CLEANOUTS 18" MIN'M.
3. PROVIDE 12" SQ. ACCESS PANEL FOR ALL PLUMBING FIXTURES HAVING CONCEALED SLIP JOINT CONNECTIONS
4. TOILET SHALL HAVE MAX. 1 1/2 GAL./FLUSH; SHOWER HEAD FLOW SHALL BE MAX. 2 1/2 GAL./MIN AT 40 psi WATER PRESSURE SHALL BE 50 psi MAX
5. PIPE MATERIALS:
   A. WATER - COPPER TYPE "M" WITH LEAD FREE SOLDER
   B. DRAINS - SCHEDULE 40 ABS
   C. GAS - SCHEDULE 40 BLACK STEEL
6. FIREPLACE GAS OUTLET CONTROL VALVES SHALL BE LOCATED IN THE SAME ROOM AS THE OUTLET, OUTSIDE THE HEARTH, BUT NOT MORE THAN 4' FROM SUCH OUTLET
7. THE USE OF SOLDERS CONTAINING MORE THAN TWO-TENTHS OF 1 PERCENT LEAD IN MAKING JOINTS ON PRIVATE OR PUBLIC WATER SUPPLY SYSTEM IS PROHIBITED.
8. IN ALL NEW CONSTRUCTION (INCLUDING ADDITIONS AND REMODELS) ALL TOILETS SHALL BE ULTRA LOW-FLOW TOILETS WITH A MAXIMUM TANK SIZE OR FLUSH CAPACITY OF 1-1/2 GALLONS PER MINUTE AND ALL HOT WATER FAUCETS THAT HAVE MORE THEAN TEN FEET OF PIPE BETWEEN THE FAUCET SHALL BE EQUIPPED WITH A HOT WATER RECIRCULATING SYSTEM. (SECTION 6(O), ORD. 3522) PROVIDE A GENERAL NOTE OF PLANS.
9. PROVIDE ACCESS PANEL (MIN. 12" X 12") OR UTILITY SPACE FOR ALL PLUMBING FIXTURES HAVING CONCEALED SLIP-JOINT CONNECTIONS.
10. PROVIDE 2X6 PLUMBING WALLS.
11. SHOWER AREA WALLS SHALL BE FINISHED WITH A NON-ABSORBENT SURFACE TO A HEIGHT OF 70" ABOVE DRAIN INLET.
12. USE NON-REMOVABLE BACKFLOW PREVENTION DEVICES ON ALL HOSE BIBS. (URC603)
13. WATER HEATERS SHALL HAVE A PRESSURE RELIEF VALVE W/DRAIN TO OUTSIDE.
14. SHOWER AND TUB-SHOWER COMBINATIONS SHALL BEE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF PRESSURE BALANCE OR THE THERMOSTATIC MIXING VALVE TYPE. (UPC420.0) (MAX. 120F)
15. PROVIDE APPROVED NON-REMOVABLE BACKFLOW PREVENTION DEVICES ON HOSE BIBBS UPC. SEC. 603.3
16. PROVIDE 1" WATER LINE FROM METER TO WATER HEATER.
17. ALL BUILDING WATER SUPPLY SYSTEMS IN WHICH QUICK-ACTING VALVES (WASHING MACHINES, DISHWASHERS, ECT.) ARE INSTALLED, SHALL BE PROVIDED WITH DEVICES TO ABSORB HIGH PRESSURES RESULTING FROM THE QUICK CLOSING OF THESE VALVES. U.P.C. SECTION 609.10

MECHANICAL:
1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH 2007 C.B.C. AND ALL APPLICABLE CODES AND LOCAL ORDINANCES.
2. CLOTHES DRYER SHALL BE VENTED TO EXTERIOR OF BUILDING. ALL FACTORY MADE PRODUCTS TO BE INSTALLED TO INSTALLATION INSTRUCTIONS & STANDARDS, USE UL 181B TAPE.
3. BATHROOMS, TOILET COMPARTMENTS AND LAUNDRY ROOMS REQUIRING MECHANICAL VENTILATION SHALL HAVE A SYSTEM CAPABLE OF PROVIDING 5 AIR CHANGES PER HOUR.
4. SPARK ARRESTOR REQUIRED ON EACH FIREPLACE CHIMNEY AND SHALL HAVE MINIMUM AREA OF 4 TIMES NET FREE AREA OF CHIMNEY OUTLET.
5. CHIMNEYS SHALL EXTEND MIN. 2' ABOVE THE HIGHEST ELEVATION OF ANY PART OF THE BUILDING WITHIN 10' OF CHIMNEY. SECURE LAST SECTION OF METAL FLUE TO PREVENT LATERAL DISPLACEMENT
6. STRAP WATER HEATERS TO WALL AND/OR FASTEN TO FLOOR TO RESIST LATERAL FORCES EQUAL TO 100% OF GRAVITY LOAD.
7. HEATING AND COOLING EQUIPMENT LOCATED IN THE GARAGE WHICH GENERATES A GLOW, SPARK OR FLAME CAPBLE OF IGNITING FLAMABLE VAPORS SHALL BE INSTALLED WITH PILOTS AND BURNERS OR HEATING ELEMENTS AND SWITCHES AT LEAST 18" ABOVE THE FLOOR LEVEL.
8. VENT DRYER TO EXTERIOR OF BUILDING. USE SMOOTH METAL DUCT. (4" MIN.) W/ BACK-DRAFT DAMPER PER UMC. SECTION 504.3.1
9. SPARK ARRESTOR REQUIRED ON FIREPLACE CHIMNEY.
10. ALL ENVIRONMENTAL AIR DUCTS SHALL BE A MINIMUM OF 3'-0" FROM ANY OPENING INTO BUILDING
11. DUCTS PENETRATING THE SEPARATION SHALL BE CONSTRUCTED OF NOT LESS THAN 26 GAUGE GALVANIZED STEEL AND BE CONTINUOUS WITHOUT OPENINGS OR NON-METALLIC CONNECTIONS
12. "DUCT CONNECTIONS TO BE WRAPPED WITH LISTED UL 181 TAPE IN ACCORDANCE WITH THE FOLLOWING:"
   A. ATTACH THE INNER CORE TO THE COLLAR WITH AT LEAST TWO WRAPS OF APPROVED DUCT TAPE AND SECURE WITH AN APPROVED CLAMP.
   B. PULL JACKET AND INSULATION BACK OVER THE CORE AND USE TWO WRAPS OF APPROVED TAPE OR AN APPROVED CLAMP.
13. PIPING PENETRATIONS TO BE METAL INCLUDING PIPES EXPOSED IN THE GARAGE

ELECTRICAL:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF (2007 C.B.C.) AND ALL APPLICABLE CODES AND LOCAL ORDINANCES.
2. ALL 125 VOLT, SINGLE PHASE 15 AND 20 AMP RECEPTACLE OUTLETS INSTALLED OUTDOORS, IN GARAGES, IN BASEMENTS, IN BATHROOMS AND THE KITCHEN ABOVE COUNTER TOP SURFACE SHALL HAVE GROUND-FAULT CIRCUIT PROTECTION.
3. PLUMBING PIPELINES PROHIBITED FOR USE AS ELECTRICAL GROUND.
4. SMOKE DETECTORS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING, AND HAVE BATTERY BACK-UP. ONE SMOKE DETECTOR SHALL BE LOCATED IN EACH SLEEPING ROOMS & HALLWAY ON EACH FLOOR.
5. SERVICE CONDUCTORS SHALL HAVE A CLEARANCE OF NOT LESS THAN 3 FEET FROM WINDOWS, DOORS, PORCHES, FIRE ESCAPES OR SIMILAR LOCATION.
6. GENERAL LIGHTING IN KITCHEN AND BATHS SHALL BE FLUORESCENT & 25 LUMENS PER WATT MIN'M
7. KITCHEN & BATHROOM PRIMARY LIGHTING. TO BE FLUORESCANT AND TO BE CONTROLLED BY THE MOST ACCESSABLE SWITCHES. EACH ROOM CONTAINING A WATER CLOSET MUST HAVE AT LEAST ONE FLUORESCENT LIGHT (A MINIMUM OF 40 LUMENS PER WATT).
8. LIGHT FIXTURES ABOVE SHOWER/TUB SHALL BE WP RATED AND COMPLY WITH NEC (410-4A; 40)
9. FERRUS GAS PIPES MUST BE ELECTRICALLY ISOLATED FROM THE REST OF THE GAS SYSTEM WITH A LISTED OR APPROVED ISOLATION FITTING INSTALLED A MIN. OF 6" ABOVE GRADE.
10. CONDUCTOR WIRES WITH AN INSULATED NEUTRAL AND A FOUR-PRONG OUTLET ARE REQUIRED FOR DRYERS AND COOKING UNITS.
11. RECEPTICALS AT FRONT & REAR OF HOME SHALL BE WATERPROOF & GFCI PROTECTED & MUST BE WITHIN 6'-6" OF GRADE.
12. SMALL APPLIANCE BRANCH CIRCUITS FOR THE KITCHEN SHALL SUPPLY WALL & COUNTER SPACE OUTLETS IN KITCHEN ONLY. TWO 20 AMP CIRCUITS TO SUPPLY KITCHEN AND DINING ROOM ONLY.
13. PROVIDE SEPERATE CIRCUIT FOR DISHWASHER AND DISPOSAL (MUST BE ACCESSIBLE)(20 AMP)
14. PROVIDE DEDICATED 20 AMP CIRCUIT TO ALL LAUNDRY AREA.
15. PROVIDE GFI CIRCUITS AT GARAGE, KITCHEN, BATHS AND EXTERIOR.
16. LIGHT FIXTURES IN CLOSETS TO BE MINIMUM 12" FROM FACE OF SHELF IF INCANDESCENT, 6" IF FLUORESCENT OR RECESSED
17. DISHWASHER RECEPTACLE MUST BE ACCESSIBLE.
18. RECESSED CEILING FIXTURES SHALL BE IC (INSULATED COVER) LISTED
19. ALL BRANCH CIRCUITS THAT SUPPLY 125-VOLT, SINGLE PHASE, 15- AND 20-AMPERE OUTLETS INSTALLED IN DWELLING UNIT BEDROOMS SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER LISTED TO PROVIDE PROTECTION OF THE ENTIRE CIRCUIT.
20. SPECIFY KITCHEN CIRCUITS TO BE IN ACCORDANCE WITH CALIFORNIA ELECTRIC CODE
- TWO 20-AMP SMALL APPLIANCE CIRCUITS SUPPLYING KITCHEN & DINING ROOM.
- SEPARATE CIRCUIT FOR DISHWASHER
- SEPARATE CIRCUIT FOR DISPOSAL.
21. DISHWASHER RECEPTACLE MUST BE ACCESSIBLE. LOCATE UNDER KITCHEN SINK
22. ALL BATHROOM RECEPTICLES TO BE SUPPLIED BY A DEDICATED 20AMP CIRCUIT WITH GFCI PROTECTION. CALIFORNIA ELECTRIC CODE ARTICLE 210-8 & 210-11(C)(3)
23. ALL LAUNDRY ROOM RECEPTICLES TO BE SUPPLIED BY A DEDICATED 20AMP CIRCUIT
24. ALL BRANCH CIRCUITS THAT SUPPLY 125-VOLT, SINGLE PHASE, 15- AND 20-AMPERE OUTLETS INSTALLED IN DWELLING UNIT BEDROOMS SHALL BE PROTECTED BY AN ARC-FAULT CIRCUIT INTERRUPTER LISTED TO PROVIDE PROTECTION OF THE ENTIRE CIRCUIT.
25. CENTRAL HEATING EQUIPMENT SHALL BE SUPPLIED BY AN INDIVIDUAL BRANCH CIRCUIT.

TRUSSES/STRUCTURAL:
ROOF TRUSSES. SHALL BE MANUFACTURED WITH WOOD CHORDS AND WOOD WEBS IN ACCORDANCE WITH ICBO REPORT NO. 1607, LATEST EDITION, FOR TRUSWAL CONNECTORS, ICBO REPORT NOS. 1381, 1329 AND 4922, LATEST EDITION, FOR MITEK INDUSTRIES CONNECTORS.

TRUSSES SHALL BE CUSTOM DESIGNED TO FIT THE DIMENSIONS AND LOADS INDICATED ON THESE STRUCTURAL DRAWINGS, AND THE DEFLECTION CRITERIA STATED BELOW. ALL DESIGNS SHALL BE IN ACCORDANCE WITH ALLOWABLE VALUES ASSIGNED BY THE BUILDING CODE APPROVAL AND QUALITY CONTROL STANDARD FOR METAL PLATE CONNECTED WOOD TRUSSES (QST-88) BY THE TRUSS PLATE INSTITUTE.

ALL TRUSSES MUST BE SECURELY BRACED BOTH DURING ERECTION AND AFTER PERMANENT INSTALLATION IN ACCORDANCE WITH HANDLING, INSTALLING AND BRACING METAL PLATE CONNECTED WOOD TRUSSES (HIB-91), AND BRACING SPECIFICATION (DSB-89, OR LATEST EDITION), AS PUBLISHED BY THE TRUSS PLATE INSTITUTE. ERECTION BRACING SHALL HOLD TRUSSES STRAIGHT AND PLUMB AND IN SAFE CONDITION UNTIL DECKING AND PERMANENT BRACING HAS BEEN FASTENED.

TWO COPIES OF THE FOLLOWING, SIGNED BY A CALIFORNIA REGISTERED CIVIL OR STRUCTURAL ENGINEER, CLEARLY INDICATING THAT DESIGNS CONFORM TO THE 2001 CBC, SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND COORDINATION PRIOR TO FABRICATION:
COMPLETE DESIGN CALCULATIONS SHOWING INTERNAL LAYOUT, MEMBER AXIAL AND BENDING STRESSES AND JOINT DESIGNS, TEMPORARY AND PERMANENT BRACING, AND STRESS CONTROL POINTS;
SHOP DRAWINGS SHOWING ALL CRITICAL DIMENSIONS FOR DETERMINING FIT AND PLACEMENT IN THE BUILDING, AS WELL AS THE LOADS THE TRUSSES ARE DESIGNED TO SUPPORT. THE SPECIFIC SIZE AND LOCATION OF ALL BRIDGING, SWAY AND STRUCTURAL BRACING, AND BOTTOM CHORD BRIDGING SHALL BE SHOWN.
UPON WRITTEN CONFIRMATION OF COMPLETION OF THE REVIEW, COORDINATION AND APPROVAL BY THE ENGINEER, WITHOUT EXCEPTION, THE SUBMITTAL SHALL BE SUBMITTED TO THE BUILDING OFFICIAL FOR REVIEW AND WRITTEN APPROVAL. TRUSSES SHALL NOT BE INSTALLED PRIOR TO ISSUANCE OF THE ABOVE APPROVALS.

THE TRUSSES SHALL BE ERECTED AND INSTALLED IN ACCORDANCE WITH THE PLANS, AND THE APPROVED SHOP DRAWINGS AND INSTALLATION RECOMMENDATIONS, AND THE STANDARD NOTED ABOVE. TEMPORARY CONSTRUCTION LOADS BEYOND UNITS INDICATED THEREON ARE NOT PERMITTED. ERECTION BRACING IN ADDITION TO SPECIFIED BRIDGING IS TO BE PROVIDED AS DETAILED UNTIL THE SHEATHING MATERIAL HAS BEEN APPLIED. THE CONTRACTOR SHALL GIVE NOTIFICATION PRIOR TO ENCLOSING THE TRUSSES TO PROVIDE AN OPPORTUNITY FOR INSPECTION OF THE INSTALLATION.

IN DESIGNING AND SUPPLYING TRUSSES FOR THIS PROJECT, THE SUPPLIER AND HIS ENGINEER CERTIFY THAT THE TRUSSES ARE SUITABLE FOR THE INTENDED USE DURING THE LIFE OF THE STRUCTURE.

DEFLECTION CRITERIA:
L/360 MAXIMUM UNDER LIVE LOAD, WHERE L EQUALS THE SPAN LENGTH

LOADS:
TOP CHORD:
12 PSF D.L., 16 PSF L.L. (>=4:12), 20 PSF L.L. (<4:12)
BOTTOM CHORD
8 PSF D.L., 10 PSF L.L. (INDEPENDENT OF T.C. L.L.)

STRUCTURAL STEEL SHALL BE PER ASTM A36 FOR STRUCTURAL SHAPES, PLATES AND BARS, ASTM A500, Gr. B FOR STRUCTURAL TUBING, AND SHALL BE FABRICATED AND ERECTED IN ACCORDANCE WITH THE LATEST EDITION OF THE AISC CODE OF STANDARD PRACTICE FOR STEEL BUILDINGS AND BRIDGES. ONE SHOP COAT OF PRIMER PER FEDERAL SPECIFICATION TT-P 636d SHALL BE REQUIRED ON ALL STEEL NOT ENCASED IN CONCRETE. SUBMIT TWO REPRODUCIBLE SETS OF SHOP DRAWINGS FOR REVIEW.

ALL WELDING SHALL BE PERFORMED BY WELDERS CERTIFIED FOR THE WELDS TO BE MADE AND SHALL BE IN CONFORMANCE WITH THE STRUCTURAL WELDING CODE, D1.1-94, OF THE AMERICAN WELDING SOCIETY. ELECTRODES SHALL BE E70-xx, UNLESS NOTED OTHERWISE. WELDER QUALIFICATION SHALL BE IN ACCORDANCE WITH AWS "STANDARD QUALIFICATIONS PROCEDURES" SPECIAL INSPECTION, PER 2001 C.B.C. SECTION 1701 IS REQUIRED, AND MAY BE INSPECTED PERIODICALLY.

BOLTS SHALL CONFORM TO ASTM A307 UNLESS NOTED OTHERWISE. ALL NUTS SHALL BE TIGHTENED WHEN PLACED AND RETIGHTENED WHEN PLACED AND RETIGHTENED AT COMPLETION OF THE JOB, OR IMMEDIATELY BEFORE FINISHING CONSTRUCTION WORK WHICH WILL MAKE THEM INACCESSIBLE

NOV 7, 2008
07-0755

OWNER:
ALEX & KRIS INGRAM
745 DISILL DR, STE 129
LOS ALTOS, CA 94022
(650)917-8618

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

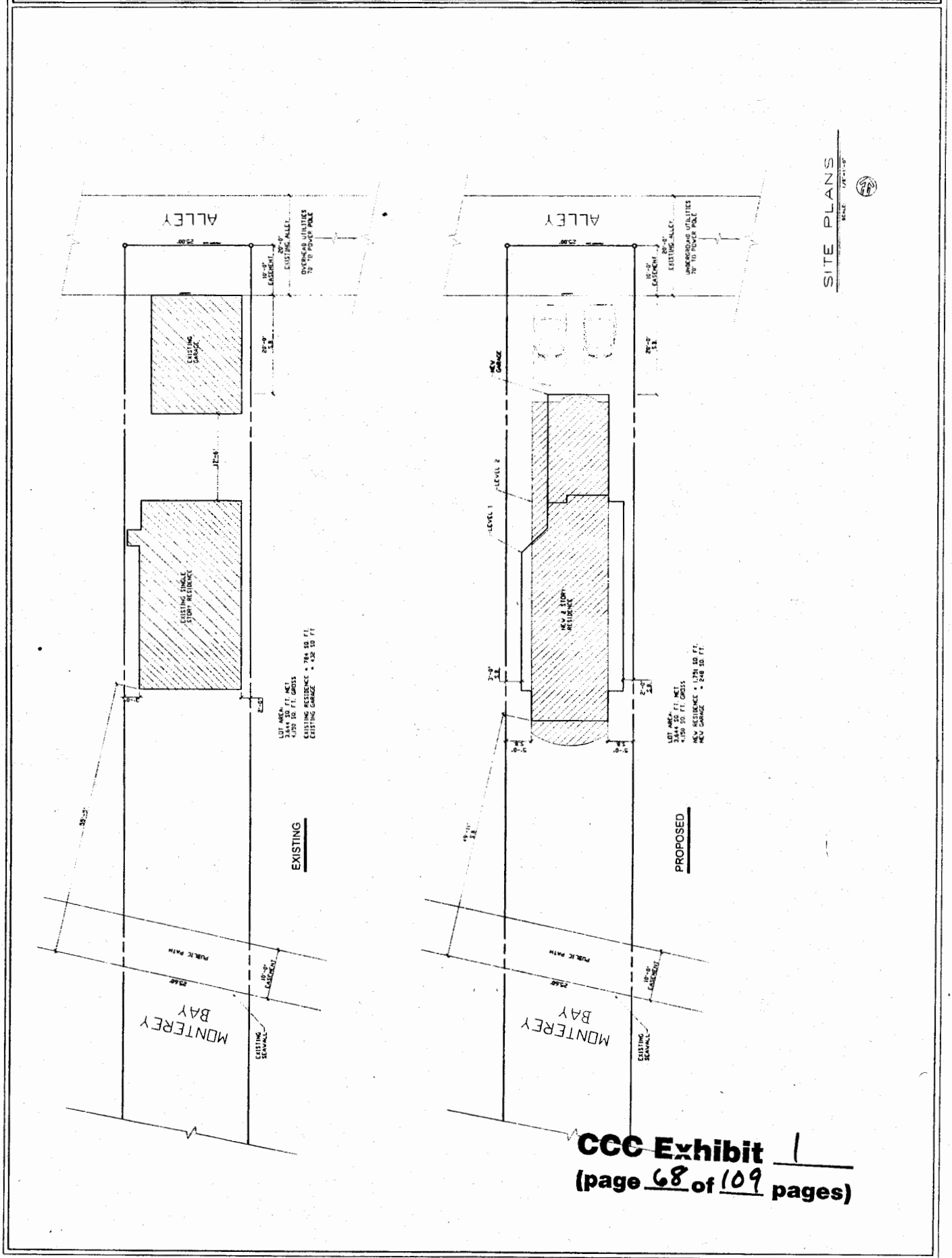
DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING
712 C CAPITOLA AV- CAPITOLA CA 95010 -831 476 2818
FAX 476 0728

COVER SHEET
LEGEND OF SHEETS

DRAWN:	GG
CHECKED:	DN
JOB NO.	ROCKVIEW
DATE	12/18/07
SHEET	1
OF	SHEETS

REVISIONS: BY:

EXHIBIT 1



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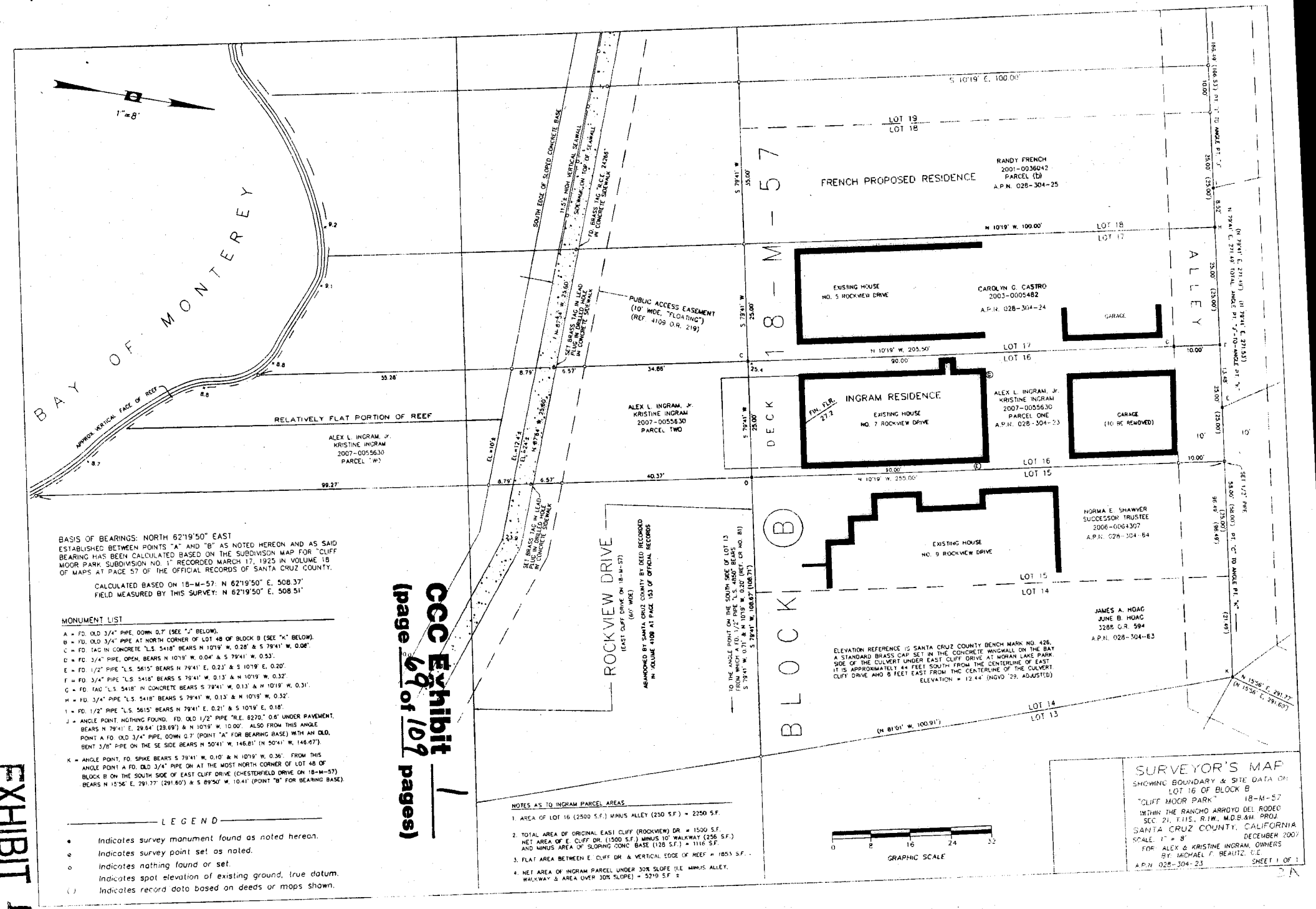
(page 68 of 109 pages)

EXHIBIT 1



BASIS OF BEARINGS: NORTH 62°19'50" EAST
ESTABLISHED BETWEEN POINTS "A" AND "B" AS NOTED HEREON, AND AS SAID BEARING HAS BEEN CALCULATED BASED ON THE SUBDIVISION MAP FOR "CLIFF MOOR PARK SUBDIVISION NO. 1" RECORDED MARCH 17, 1925 IN VOLUME 18 OF MAPS AT PAGE 57 OF THE OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

CALCULATED BASED ON 18-M-57: N 62°19'50" E, 508.37'
FIELD MEASURED BY THIS SURVEY: N 62°19'50" E, 508.51'

MONUMENT LIST

A = FD. OLD 3/4" PIPE, 0.07' (SEE "J" BELOW).
B = FD. OLD 3/4" PIPE AT NORTH CORNER OF LOT 48 OF BLOCK B (SEE "K" BELOW).
C = FD. TAC IN CONCRETE "L.S. 5418" BEARS N 10°19' W, 0.28' & S 79°41' W, 0.08'.
D = FD. 3/4" PIPE, OPEN, BEARS N 10°19' W, 0.04' & S 79°41' W, 0.53'.
E = FD. 1/2" PIPE "L.S. 5615" BEARS N 79°41' E, 0.23' & S 10°19' E, 0.20'.
F = FD. 3/4" PIPE "L.S. 5418" BEARS S 79°41' W, 0.13' & N 10°19' W, 0.32'.
G = FD. TAC "L.S. 5418" IN CONCRETE BEARS S 79°41' W, 0.13' & N 10°19' W, 0.31'.
H = FD. 3/4" PIPE "L.S. 5418" BEARS S 79°41' W, 0.13' & N 10°19' W, 0.32'.
I = FD. 1/2" PIPE "L.S. 5615" BEARS N 79°41' E, 0.21' & S 10°19' E, 0.18'.
J = ANGLE POINT, NOTHING FOUND. FD. OLD 1/2" PIPE "R.E. 8270," 0.6' UNDER PAVEMENT, BEARS N 79°41' E, 29.64' (29.69') & N 10°19' W, 10.00'. ALSO FROM THIS ANGLE POINT A FD. OLD 3/4" PIPE, 0.07' (POINT "A" FOR BEARING BASE) WITH AN OLD, BENT 3/8" PIPE ON THE SE SIDE BEARS N 50°41' W, 146.81' (N 50°41' W, 146.67').
K = ANGLE POINT, FD. SPIKE BEARS S 79°41' W, 0.10' & N 10°19' W, 0.36'. FROM THIS ANGLE POINT A FD. OLD 3/4" PIPE ON AT THE MOST NORTH CORNER OF LOT 48 OF BLOCK B ON THE SOUTH SIDE OF EAST CLIFF DRIVE (CHESTERFIELD DRIVE ON 18-M-57) BEARS N 15°56' E, 291.77' (291.60') & S 89°50' W, 10.41' (POINT "B" FOR BEARING BASE).

LEGEND

- • Indicates survey monument found as noted hereon.
- ⌀ Indicates survey point set as noted.
- o Indicates nothing found or set.
- Indicates spot elevation of existing ground, true datum.
- ( ) Indicates record data based on deeds or maps shown.

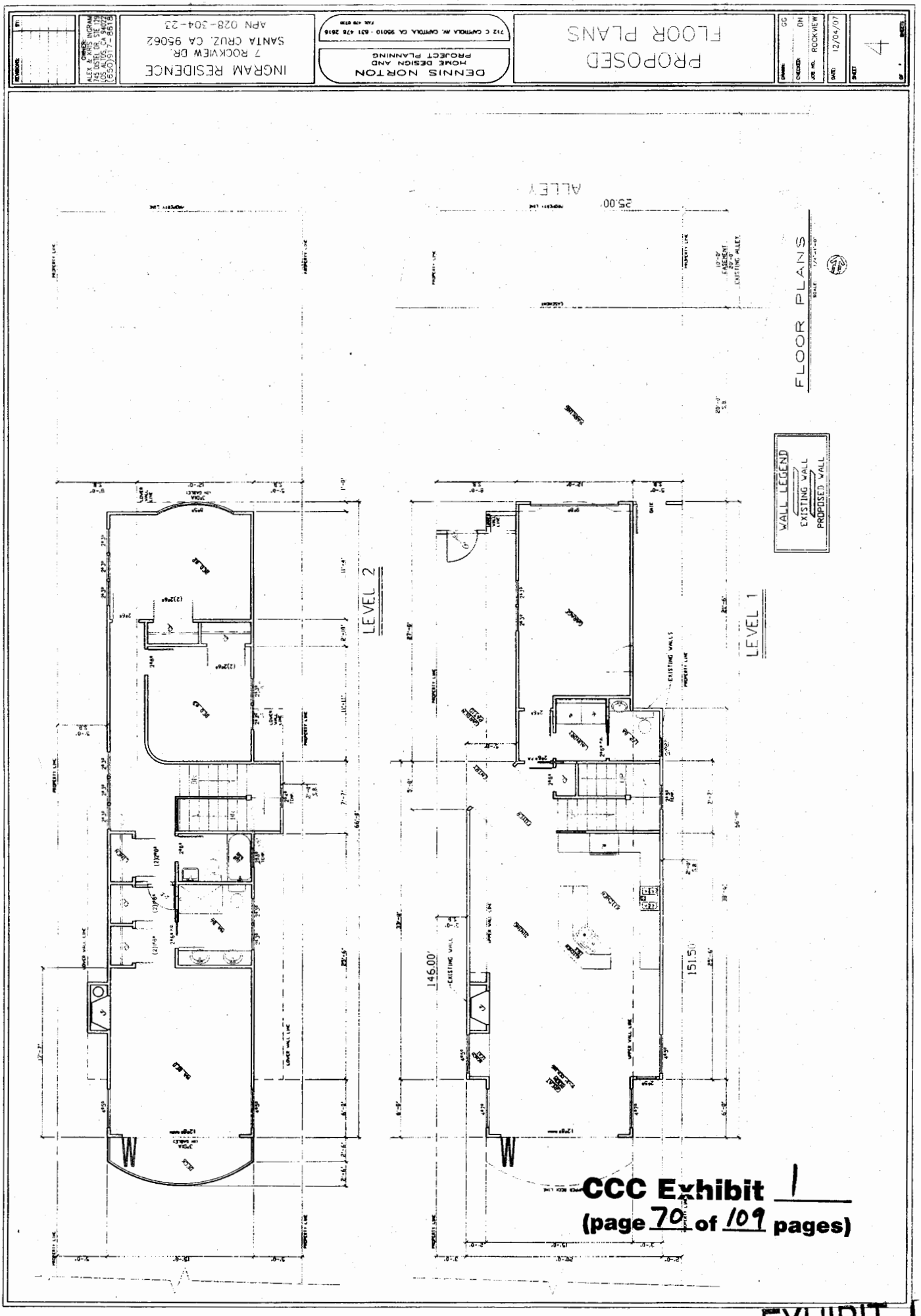
NOTES AS TO INGRAM PARCEL AREAS

1. AREA OF LOT 16 (2500 S.F.) MINUS ALLEY (250 S.F.) = 2250 S.F.
2. TOTAL AREA OF ORIGINAL EAST CLIFF (ROCKVIEW) DR. = 1500 S.F. NET AREA OF E. CLIFF DR. (1500 S.F.) MINUS 10' WALKWAY (256 S.F.) AND MINUS AREA OF SLOPING CONC BASE (128 S.F.) = 1116 S.F.
3. FLAT AREA BETWEEN E. CLIFF DR. & VERTICAL EDGE OF REEF = 1851 S.F. ±
4. NET AREA OF INGRAM PARCEL UNDER 30% SLOPE (I.E. MINUS ALLEY, WALKWAY & AREA OVER 30% SLOPE) = 5219 S.F. ±

SURVEYOR'S MAP
SHOWING BOUNDARY & SITE DATA OF LOT 16 OF BLOCK B "CLIFF MOOR PARK" 18-M-57
WITHIN THE RANCHO ARROYO DEL RODEO SEC. 21, T.11S., R.1W., M.D.B.&M. PROJ.
SANTA CRUZ COUNTY, CALIFORNIA
SCALE: 1" = 8' DECEMBER 2007
FOR: ALEX & KRISTINE INGRAM, OWNERS
BY: MICHAEL F. BEALITZ, C.E.
A.P.N. 028-304-23 SHEET 1 OF 1

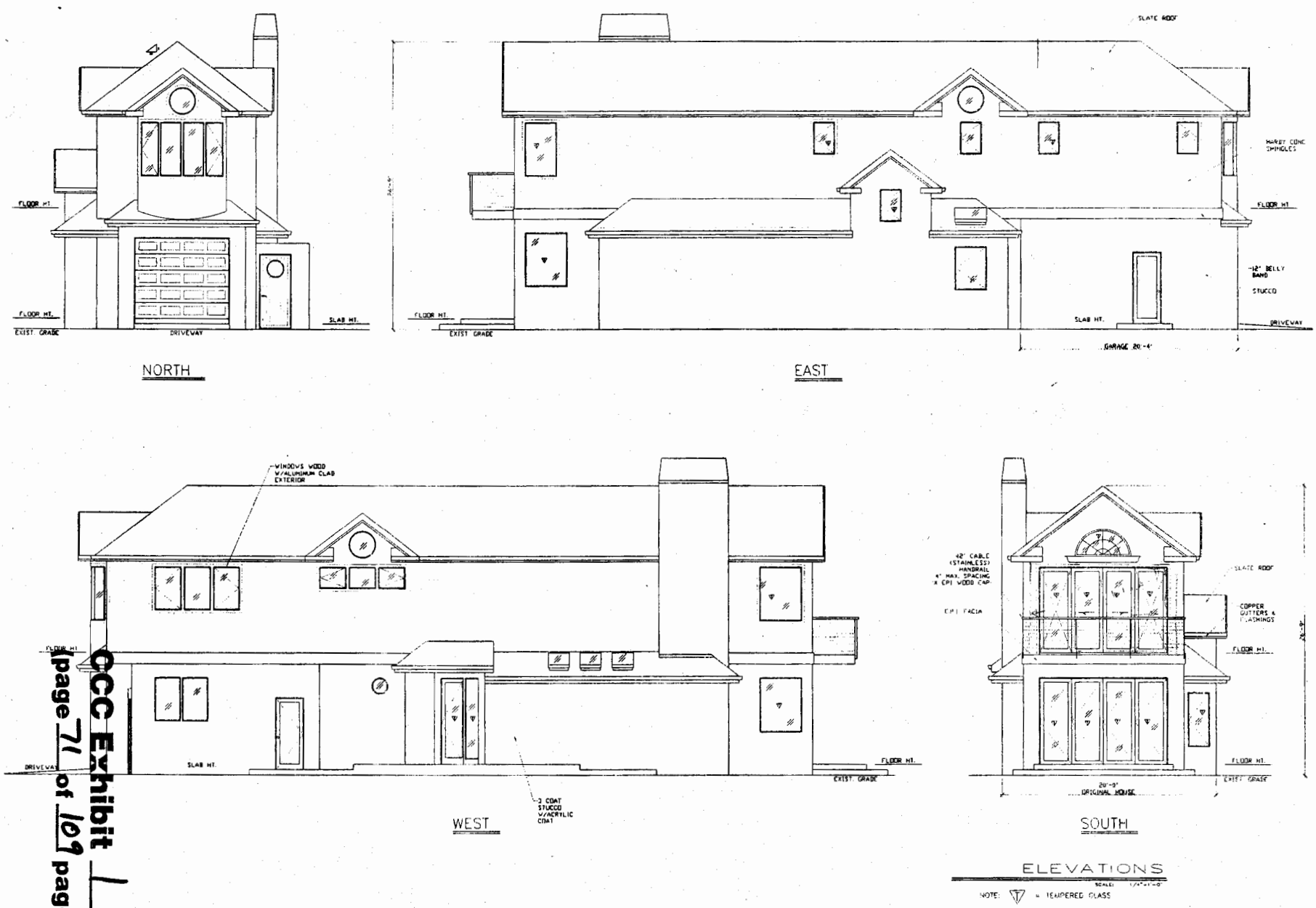
CCC Exhibit 1 (page 6 of 10 pages)

EXHIBIT 1



CCC Exhibit 1
(page 70 of 109 pages)

EXHIBIT 1



REVISIONS:	BY:
08/08/08	GG
12/12/08	GG
01/20/09	GG
01/27/09	GG

OWNER:
ALEX & KRIS INGRAM
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(650)917-8618

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
712 C CAPITOLA AV.- CAPITOLA, CA 95010- 831 476 2616
FAX 476 0728

ELEVATIONS

DRAWN:	GG
CHECKED:	DN
SCALE:	ROCKVIEW
DATE:	3/10/08
SHEET	5
OF	SHEETS

CCC Exhibit 1
(page 71 of 109 pages)

EXHIBIT 1

STREETSCAPE

SCALE: 1/4"=1'-0"

CCC Exhibit 1 (page 22 of 101 pages)

EXHIBIT 1

REVISIONS	BY:

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DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING
712 C CAPITOLA AVE CAPITOLA, CA 95010 831 476 2519

STREETSCAPE

DRAWN:	GG
CHECKED:	DN
SCALE:	ROCKVIEW
DATE:	12/17/07
SHEET	6
OF *	SHEETS

rec 4/8/10

From: charles paulden [yogacharles@yahoo.com]
Sent: Thursday, April 08, 2010 4:02 PM
To: Lani Garcia
Cc: ventana-santacruz-excom@lists.sierraclub.org; dan carl; Steve Kennedy; John Leopold
Subject: Re: Rockview revised again -- Fw: Revised Description for Item 7 on the 4/14/10 Planning Commission Agenda and cancellation of the 5/12/10 Hearing

It seems wrong to allow this non conforming property to exceed the FAR and other restrictions.
It will likely be a precedence for the other houses to seek similar exceptions.
This seems out of line for the goals of the Pleasure Point Plan.
Please work with in the existing rules and not super-size this property.
The extension in front of the house towards the beach will force the other homes to move forward as well.
Look to removing this addition.

7. 10-0080(**) 7 Rockview Drive, Santa Cruz APN: 028-304-23

Proposal to amend Coastal Permit 09-0142, which authorized an addition and remodel to an existing single family dwelling, to approve an increase in the size of the second story to add 508 sq. ft. of living space and 125 sq. ft. of deck, to delete condition of approval IV C which refers to the validity of the original coastal approval, and to carry forward approvals from 2007 for a greater than 800 sq. ft. addition to a non conforming structure and a variance to exceed the 50% limit on driveways in the front yard. Requires an amendment to Coastal Development Permit 09-0142, variances to increase the Floor Area Ratio from the required 50% to 59% and to exceed the 50% limit on driveways in the front yard, and a Residential Development Permit for a greater than 800 sq. ft. addition to a non conforming structure. The project is substantially the same project that was approved by the County in 2008. Property located on the south side of North Palisades at 7 Rockview Drive, approximately 430 feet south of East Cliff Drive in Live Oak.

--- On **Thu, 4/8/10, patachek@juno.com** <*patachek@juno.com*> wrote:

> From: patachek@juno.com <patachek@juno.com>
> Subject: Rockview revised again -- Fw: Revised Description for Item 7 on the 4/14/10 Planning Commission Agenda and cancellation of the 5/12/10 Hearing
> To: yogacharles@YAHOO.COM
> Cc: VENTANA-SANTACRUZ-EXCOM@LISTS.SIERRACLUB.ORG
> Date: Thursday, April 8, 2010, 12:29 PM
>
> ----- Forwarded Message -----
> **From:** Lani Garcia <PLN412@co.santa-cruz.ca.us>
> **To:** Lani Garcia <PLN412@co.santa-cruz.ca.us>
> **Date:** Thu, 8 Apr 2010 11:11:51 -0700
> **Subject:** Revised Description for Item 7 on the 4/14/10 Planning Commission Agenda and cancellation of the 5/12/10 Hearing

CCC Exhibit 1 (page 74 of 109 pages)

Issue #1
Regarding: Application # 0070232M Dated 1/21/10
Permit # 00152272-1 Issued 2/9/2010

This application should never have been approved nor issued. Based upon the fact that Application #09-0142 was approved upon the condition of IVC which states that the original Coastal Permit #07-0755 becomes invalid altogether. Hence, the new application on 1/21/2010 should have triggered a neighborhood notification process. (18.10.211) And, no application shall be deemed complete without the results of the neighborhood meeting when one is required. (18.10.212)

18.10.211 Neighborhood notification and meeting.

(a) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within three hundred (300) feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted application will require new noticing and a neighborhood meeting:

(A) A change that results in an increase of twenty (20) percent or more in height, floor area ratio or lot coverage;

(B) A change that necessitates a variance;

(C) A change that results in an increase in the number of lots or dwelling units;

(D) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(b) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required. (Ord. 4818 § 5 (part), 3/7/06)

18.10.212 Application completion.

CCC Exhibit 1
(page 27 of 109 pages)

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord. 4818 § 5 (part), 3/7/06)

This application was at a Review Level III which are for minor variations and corrections. This is incorrect. Since the original application from 12/31/2007 was now invalid due to Condition IVC, this MUST be at a higher review level. They were asking on 1/21/2010 to add a 508 square foot second story and a 125 square foot deck in addition to other variances. This application should have been designated at least at a Level IV. (18.10.222)

18.10.222 Level IV (Public notice)—Notice of application submittal.

(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

(1) The County shall mail a notice in the form of a postcard or letter not more than ten (10) calendar days following the receipt of a development application to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than ten (10) calendar days following the receipt of a development application.

(b) Contents of Notice. The content of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Final date on which comments will be accepted;

(6) How to submit information on the proposed project;

(7) Date the permit is proposed to be issued.

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NOTICE OF PENDING ACTION

(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

(1) Mailed notice in the form of a postcard or letter mailed not less than ten (10) calendar days prior to the issuance of the permit to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Published Notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the issuance of the permit.

(3) Posting on the property in a conspicuous place at least ten (10) calendar days prior to the issuance of the permit.

(4) Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least ten (10) days prior to the issuance of the permit.

(d) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Date the permit will be issued;

(6) Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

Next, needed for this new application is a Coastal Zone approval under 13.20.050. Any person wishing to undertake any development in the Coastal Zone shall obtain a Coastal Zone Approval. Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development of activity. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgment of the Planning Director, have an interest in the project.

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The applicant should not be allowed to carry forward approval from 2007. Rules and regulations have changed since the issuance of the original application of December 31, 2007.

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

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Issue #2
Regarding: Application #09-0142 Dated 4/22/2009
Permit #00152272 Issued 8/13/2009

"If Condition IVC for any reason is deleted or deemed invalid, then here are our issues with the Application #09-0142."

There was a valid application #07-0755 dated 12/31/2007 that was at a correct Review Level V and was approved. This application's project description was never issued a corresponding Building Permit. Plans were changed, thus this permit should not have been issued. It is invalid.

This new application and permit should never have been approved nor issued. The new application on 4/22/09 should have triggered a neighborhood notification process. (18.10.211) And, no application shall be deemed complete without the results of the neighborhood meeting when one is required. (18.10.212)

18.10.211 Neighborhood notification and meeting.

(a) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within three hundred (300) feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted application will require new noticing and a neighborhood meeting:

(A) A change that results in an increase of twenty (20) percent or more in height, floor area ratio or lot coverage;

(B) A change that necessitates a variance;

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(C) A change that results in an increase in the number of lots or dwelling units;

(D) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(b) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required. (Ord. 4818 § 5 (part), 3/7/06)

18.10.212 Application completion.

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord. 4818 § 5 (part), 3/7/06)

The new application was at Review Level III which are for minor variations and corrections. This application should have been designated at least at a Level IV. (18.10.222) The application dated 4/22/2009 should have triggered a higher review level due to plans being changed from the original project description from December 31, 2007.

18.10.222 Level IV (Public notice)—Notice of application submittal.

(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

(1) The County shall mail a notice in the form of a postcard or letter not more than ten (10) calendar days following the receipt of a development application to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County

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Government interdepartmental mail no more than ten (10) calendar days following the receipt of a development application.

(b) Contents of Notice. The content of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Final date on which comments will be accepted;

(6) How to submit information on the proposed project;

(7) Date the permit is proposed to be issued.

NOTICE OF PENDING ACTION

(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

(1) Mailed notice in the form of a postcard or letter mailed not less than ten (10) calendar days prior to the issuance of the permit to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Published Notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the issuance of the permit.

(3) Posting on the property in a conspicuous place at least ten (10) calendar days prior to the issuance of the permit.

(4) Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least ten (10) days prior to the issuance of the permit.

(d) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Date the permit will be issued;

(6) Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

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Next, needed for this new application is a Coastal Zone approval under 13.20.050. Any person wishing to undertake any development in the Coastal Zone shall obtain a Coastal Zone Approval. Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development of activity. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgment of the Planning Director, have an interest in the project.

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

They have made a proposal to amend the Application # 09-0142 dated 4/22/2009 which was approved. In 2009, a new county building permit #00152272 (issued 8/13/2009) was obtained without the notification of the Coastal Commission. The new application in 2009 should have triggered notification of the Coastal Commission and changes should have been made with respect to the Coastal Development Permit. Their 2009 application replaced the original application of 12/31/2007. They are now asking to amend the Coastal Permit to exceed the 50% Floor Area Ratio and a variance to exceed 50% limit on driveways in the front yard. The approved 2007 application is no longer valid. The applicant should not be allowed to carry forward any approvals from 2007. (13.20.050)

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal

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Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

Since no Building Permit was issued based upon the original application #07-0755 dated December 31, 2007, under what Building Permit was a variance to cover greater than 50% of the front yard with driveway and a variance to reduce the required east side yard setback from five(5) feet to two(2) feet?

This permit should never have been issued. The project description of December 31, 2007 was never used in obtaining a building permit. This approved application is no longer valid. Plans were changed which should have triggered a new public notification, higher review level, and a new coastal commission approval. The applicant should not be allowed to carry forward any approvals from 2007.

This process is also in place to protect newer property owners in the neighborhood who were not property owners at the time (which includes us) of the original application.

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Issue #3
Regarding: Protection of Light, Solar Opportunities, Air and Open Space

The application # 0070232M dated 1/21/2010 which calls for the addition of a 508 square foot second story and a 125 square foot deck has a direct adverse affect on my property. The 17 + foot structure as well as the close proximity (2 feet) to the property line have a detrimental environmental impact on my home. It has been brought to my attention that my ocean views are not protected; however, there has been a significant impact with respect to light, air, and any solar opportunities. I have floor to ceiling windows on the west side of my home and due to the recent non-permitted 2nd story addition, I no longer can even see the sky. My residence is completely shaded and void of any views. (8.1.3 of the General Plan)

8.1.3 Residential Site and Development Standards Ordinance

Maintain a residential site and development standards ordinance for the purpose of protecting light, solar opportunities, air and open space for public and private properties: and require all residential projects to comply with the standards of maximum structural height, maximum number of stories, minimum structural setbacks, maximum ratios of building floor area to parcel size, and other criteria therein.

Issue #4
Regarding: Building Design

The new application # 0070232M dated 1/21/2010 is not properly proportioned to the parcel (8.6 and 8.6.1 of the General Plan). With the non permitted, already built 2nd story addition, the building is not utilizing scale appropriately. The Floor Area Ratio exceeds the 50% maximum.

8.6 Building Design

To encourage building design that addresses the neighborhood and community context: utilizes scale appropriate to adjacent development; and incorporates design elements that are appropriate to surrounding uses and the type of land use planned for the area.

8.6.1 Maintaining a Relationship Between Structure and Parcel Sizes

Recognize the potential for significant impacts to community character from residential structures which are not well proportioned to the site: and require residential structures to have a direct relationship to the parcel size as per the Residential, Site, and Development Standards ordinance.

Issue #5
Regarding: Building Without a Permit

The new application # 0070232M was applied for on 1/21/2010. The permit was issued and picked up on February 9, 2010. The new permit called for an addition of a 508 square feet second story and a 125 square foot deck. This was built before the permit was issued. I have photos and witnesses to verify this fact.

In 2009, I took possession of 9 Rockview Drive, Santa Cruz, CA 95062 through a family trust. In the early summertime, I was made aware of some building plans for 7 Rockview Drive. I was told by the Ingrams that they were going to remodel their home and that remodel would include a partial second story. I was happy to learn that they were not intending to build a second story on the part nearest the ocean as my views as well as sunlight would not be drastically affected. Obviously, that was very important to me.

In the late summer of 2009, the Ingrams let me know of their intentions to break ground in October and on October 19, 2009; I received an email from Alex Ingram informing me that construction had indeed begun that very day. The construction began and by the end of 2009, it was apparent to me that the size and scope of the building was complete. I was in Santa Cruz on the 23rd/24th of January readying the home for an open house. The Ingrams were there as we were speaking to our realtor. There was no mention whatsoever of any further additions at that time.

On February 7, 2010, I received phone a call from a friend visiting the area that was I aware of the large 2nd story that was built next to me. I said that I was just down there and yes there should be a partial 2nd story. I called my realtor and she called me back in a panic that there was now an extensive full 2nd story that protruded out past my home towards the ocean and had taken away much of my ocean views. She informed me that we now have disclosure problems as we had only disclosed the plans the Ingrams had told us about in the summer of 2009. Pictures were taken by my realtor and friend to verify that

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Indeed that there was additional square footage added to the 2nd story.

Since I had not been contacted by the Ingrams about this, I called the County of Santa Cruz Planning Department immediately to see what had happened and if a permit had been applied for/issued/granted. The new application # 0070232M was applied for on 1/21/2010. As I do not live in the area, I called the Santa Cruz County planning Commission numerous times to find out what had happened. By the time I was able to talk to someone that could give me the needed information, it was February 10, 2010 and the permit had just been issued and picked up on February 9, 2010. The size and scope of the building had been dramatically increased without the approval and Building Permit issued. It is unlawful to build without an approved and issued permit. See codes below.

12.10.310 Permits required.

Except as specified in Section 12.10.315 of this Chapter, no building, structure or building and/or property service equipment regulated by this Chapter and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building and/or property service equipment has first been obtained from the Building Official. (Ord. 4894 § 2 (part), 11/20/07)

12.10.430 Violations.

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, improve or maintain any building or structure or to cause, permit, aid, abet or furnish any equipment or labor for such work; unless either (1) a building permit has first been obtained for each building or structure from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a permit by the provisions of Subsection 12.10.315 of this Chapter.

(b) It shall be unlawful for any person, firm, or corporation to proceed with work on a building or structure under a building permit beyond the work authorized by a previous inspection or without first obtaining the inspection approvals required by Sections 12.10.355 of this Chapter.

(c) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or

structure or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the adopted California Building Code.

(d) It shall be unlawful for any person, firm or corporation to use or occupy a building or structure for any type of occupancy or to cause, permit, aid or abet the same without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(e) It shall be unlawful for any person, firm, or corporation to change the character of any occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancy without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(f) It shall be unlawful for any person, firm, or corporation to erect, construct, reconstruct, install, relocate, alter or maintain any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of or within a mobile home park or within a mobile home lot or to cause, permit, aid or abet such work unless (1) a written construction permit has been first obtained from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a written construction permit by the provisions of Section 1026 of Title 25 of the California Administrative Code.

(g) It shall be unlawful for any person, firm or corporation to locate or install a manufactured home on any site for the purpose of human habitation or occupancy as a dwelling or to cause, permit, aid or abet such location or installation unless a building permit has first been obtained from the Building Official and is in effect which authorizes such location or installation. (See also Sections 13.10.682 and 13.10.683 of the Santa Cruz County Code.)

(h) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(i) It shall be unlawful for any person, firm, or corporation to install, add to, alter, reconstruct, relocate, replace, or repair any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work unless;

(1) The appropriate permit has first been obtained from the Building Official and is in effect which authorizes such work; or

(2) The work is exempt from the requirements for a permit under the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(j) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Building Official.

(k) It shall be unlawful for any person or persons to occupy any space for which a building permit has been issued by the Building Official until a final

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inspection has been performed and the building or work is found to comply with all codes and ordinances.

This subsection does not apply to permits for interior remodel or renovation of existing interior spaces.

(l) It shall be unlawful for any person, firm or corporation to locate, re-locate, install or continue to service, any propane or liquid gas to any structure, appliance or other device which has not been approved for connection by the Building Official.

(m) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, bridge, or structure in the unincorporated area of Santa Cruz, State of California, or to cause the same to be done contrary to or in violation of any of the provisions of the codes adopted hereby. (Ord. 4894 § 2 (part), 11/20/07)

16.30.080 Violations.

(a) It shall be unlawful for any person to do cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in Section 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(b) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a buffer zone of an arroyo as defined in Section 16.30.030 and as prescribed by the provisions of subsection 16.30.040(b) unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(c) It shall be unlawful for any person to exercise a development permit authorizing development activity as an exception without complying with all of the conditions of such permit.

(d) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335; 11/23/82; 3451-A, 8/23/83)

It is still my contention that this permit should not have been issued in the first place due to numerous procedural errors and due to direct conflicts with the General Plan.

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Issue #6
Regarding: Stop Building

The new application # 0070232M was applied for on 1/21/2010 and Permit #00152272-1 was issued on 2/9/2010. After speaking with the Santa Cruz County Planning Commission in person on February 15, 2010 as well as numerous phone conversations with Pala Levine, I was told that a stop work was issued to the Ingrams for the new 2nd story addition.

Mr. Ingram confronted my realtor at our open house and said that he had been red-tagged because of our inquiries with the planning department. Over the past six weeks, he has continued to work on the new addition applied for 1/21/2010. It is my understanding after further communication with the Planning Department that work on this portion of the home was to have ceased until after formal approval has been received. He is in violation of codes 12.10.310, 12.10.340, and 12.10.430.

12.10.310 Permits required.
Except as specified in Section 12.10.315 of this Chapter, no building, structure or building and/or property service equipment regulated by this Chapter and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building and/or property service equipment has first been obtained from the Building Official. (Ord. 4894 § 2 (part), 11/20/07)

12.10.340 Suspension or revocation.
The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of the above-referenced codes. (Ord. 4894 § 2 (part), 11/20/07)

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12.10.430 Violations.

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, improve or maintain any building or structure or to cause, permit, aid, abet or furnish any equipment or labor for such work; unless either (1) a building permit has first been obtained for each building or structure from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a permit by the provisions of Subsection 12.10.315 of this Chapter.

(b) It shall be unlawful for any person, firm, or corporation to proceed with work on a building or structure under a building permit beyond the work authorized by a previous inspection or without first obtaining the inspection approvals required by Sections 12.10.355 of this Chapter.

(c) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the adopted California Building Code.

(d) It shall be unlawful for any person, firm or corporation to use or occupy a building or structure for any type of occupancy or to cause, permit, aid or abet the same without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(e) It shall be unlawful for any person, firm, or corporation to change the character of any occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancy without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(f) It shall be unlawful for any person, firm, or corporation to erect, construct, reconstruct, install, relocate, alter or maintain any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of or within a mobile home park or within a mobile home lot or to cause, permit, aid or abet such work unless (1) a written construction permit has been first obtained from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a written construction permit by the provisions of Section 1026 of Title 25 of the California Administrative Code.

(g) It shall be unlawful for any person, firm or corporation to locate or install a manufactured home on any site for the purpose of human habitation or occupancy as a dwelling or to cause, permit, aid or abet such location or installation unless a building permit has first been obtained from the Building Official and is in effect which authorizes such location or installation. (See also Sections 13.10.682 and 13.10.683 of the Santa Cruz County Code.)

(h) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

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(i) It shall be unlawful for any person, firm, or corporation to install, add to, alter, reconstruct, relocate, replace, or repair any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work unless;

(1) The appropriate permit has first been obtained from the Building Official and is in effect which authorizes such work; or

(2) The work is exempt from the requirements for a permit under the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(j) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Building Official.

(k) It shall be unlawful for any person or persons to occupy any space for which a building permit has been issued by the Building Official until a final inspection has been performed and the building or work is found to comply with all codes and ordinances.

This subsection does not apply to permits for interior remodel or renovation of existing interior spaces.

(l) It shall be unlawful for any person, firm or corporation to locate, re-locate, install or continue to service, any propane or liquid gas to any structure, appliance or other device which has not been approved for connection by the Building Official.

(m) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, bridge, or structure in the unincorporated area of Santa Cruz, State of California, or to cause the same to be done contrary to or in violation of any of the provisions of the codes adopted hereby. (Ord. 4894 § 2 (part), 11/20/07)

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Issue #7
Regarding: Fire Safety

For our protection, due to a variance in the setback of their east side property reducing the setback from five (5) feet to two (2) feet, as well as the increase in property size by more than 10%, we would like the enforcement of sprinkler system. Please refer to Fire Code 7.92.

903.2.1 New Structures. An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard.

903.2.2 Existing Structures. An automatic sprinkler system shall be provided in existing structures when, after the effective date of this code, a building permit is issued to allow additions to be made to existing structures which either:

1. Are already six thousand (6,000) square feet or greater in total floor area; or

2. Will increase the total floor area of a structure by 10% or more;

The project is also required to comply with fire code requirements that require a one hour fire wall along the east portion of their building. This is to ensure the safety of the adjacent residents, us.

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Issue #8
Regarding: Variance for a Setback

On December 31, 2007, application # 07-0755 requested a variance to reduce the required east side yard set back from five (5) feet to two (2) feet. There was never an actual Building Permit issued based upon this application and project description.

What Building Permit issued by the Planning Commission dealt with this variance? There are procedural problems from the start with Application #09-0142 as they only asked for a variance on the south side for an increased square footage of their deck.

As discussed in issue #2, this application should have triggered a neighborhood notification and a coastal commission review to discuss any and all variances. So, the question still remains, when did they get approval for the reduction of the five (5) feet to two (2)feet setback?

13.10.230 Variance Approvals.

(a) Description. A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including Design Standards and Guidelines and regulations for special uses. The power to grant Variance Approvals does not allow changes in use which are affected only by Use Approvals pursuant to Section 13.10.220, rezoning of the property pursuant to Section 13.10.215, or amendment to the regulations of this Chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

1. To facilitate certificates of compliance.
2. To facilitate dedications of rights-of-way or other required improvements for public benefit.
3. To allow the consideration of the creation of new lots when the size of the lot is within 1% of the zoning requirement and is consistent with the General Plan.

(b) Procedures. All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a Variance Approval shall be in accordance with the provisions of Chapters 18.10 and 19.01 for a Level V approval and paragraph (c) "findings" below except that site area variances which create new building sites under the circumstances described in Section 13.10.230(a) shall be processed at Level VII.

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(c) Findings. The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

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.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variance 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. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06)

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Issue #9
Regarding: Staff Report to the Zoning Administrator Application #07-0755 In 2007

The report states that the parcel contains an existing 1200 square foot single story, single family dwelling and a detached 432 square foot one story garage.

The square footage of the existing home has been grossly exaggerated from its actual square footage of 760 square feet based upon county records. We feel this exaggeration was done in an attempt to minimize the impact of the increase in size and scope of the actual project.

The Floor Area Ratio (FAR) with an 1861 square foot residence on a 3425 square foot lot far exceeds the 50% FAR.

Issue #10
Regarding: Notice of Public Hearing

We have an objection to the Amending of Coastal Permit #09-0142 dated April 22, 2009. This Coastal Permit when issued in 2009 said,

> **"Proposal to revise the construction approved under Coastal Development Permit #07-0755 by increasing the area of the proposed garage from 243 square feet tot 322 square fee, by decreasing the area of the second story addition from 965 square feet to 395 square feet, and by increasing the area of the proposed second story deck from 60 square feet to 98 square fee. Requires a Minor Variation to 07-0755. Project is located on the south side of North Palisades at 7 Rockview Drive."**

But a condition of the Coastal Permit #09-0142 being approved was that Condition IVC be implemented which completely invalidates the original Coastal Permit #07-0755 from every being used or recognized again.

The Application #0070232M from 1/21/2010 seeked to:

> **"Change order to BP# 152272 (RA/RE) to include 508 sq. ft. addition to relocate master bedroom, create new master bath & add 125 sa.ft. balcony to the second story. Remodel to include remove closets/wall to convert lower bedroom #2 to dining room. Results in a 2-story SFD with 3 bedrooms, 3 baths, family/dining room, living room, entry, attached garage."**

This new application should have triggered a neighborhood notification and a coastal review. It was approved and issued on 2/9/2010 without the proper process needed for this type of change. Also, the entire "new" addition applied for had been completed well before the permit was issued and picked up.

This new addition has a detrimental impact upon our residence. There has been a significant impact with respect to light, air, and any solar opportunities for my residence. I have floor to ceiling windows on the west side of my home and due to the recent non-permitted 2nd story addition, I can no longer see the sky. My residence is completely shaded and void of any view.

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Also, due to the close proximity (2 feet or less from the property line) and the size, scope, and height of the structure, we have serious concerns about fire safety.

Next, with respect to building design, the addition asked for in this application is not utilizing scale appropriately. The Floor Area Ratio exceeds the 50% maximum and is not in keeping with the Pleasure Point Community Plan.

Thus, we feel that the Coastal Permit 09-9142 should not be amended to allow for any increase in floor space for the home or the deck. And, approval IV C should not be deleted. The applicant should not be allowed to carry forward any approval from 2007 as that is no longer valid. Furthermore, rules and regulations have changed since the original application from 2007. Also, we feel that all variances should be denied as well.

We do not want to see a precedent set for allowing a greater FAR than permitted. We would like to see the Pleasure Point Community Plan, Planning Department, and the Coastal Commission adhere to their own rules and regulations.

CCC Exhibit 1
(page 100 **of** 109 **pages)**

Lisa Shawver

To: Robin Bolster-Grant 831-454-5357
831-454-2131 fax

From: William Shawver

Date: 4-13-10

Pages: 3

Re: Notice of Public Hearing

Here is one more thing we wish to present at the Public Hearing.

U Lisa

4802 E. Morada Lane • Stockton, CA 95212
Phone: 209-931-3431 • Fax: 209-931-3436

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How is this violation detrimentally impacting you?

This addition which was built before a permit was issued has had a detrimental impact upon our light, air and solar opportunities for our residence. We are shadowed by the 17 foot plus structure and can no longer see the sky, on the Westside of my home and we do not have any windows on the east side of our home. Due to the close proximity of two (2) feet or less from the property line, we have serious concerns about our fire safety. There have been significant errors in the process, and now, they have a full second story that should not have been built.

It must be noted that my home at 9 Rockview Drive is for sale. We received an offer before the full second story addition. We rejected this offer based upon the permitted addition to 7 Rockview Drive. I did not feel that this small second story addition would dramatically affect my home value. In hindsight had I known of the 2010 full second story addition, I would have accepted this offer. I had another buyer who previewed the home in early January and returned February 3 and they wrote an offer. They were shocked to see the full second story addition since we did not disclose that to them. (How could we disclose this to them when it was built un-permitted and without notification of any kind.) They did write an offer, but at several hundred thousand less than the realtor had previously indicated. They stated that the construction of the addition next store took away views and privacy. This unapproved full second story addition has had a significant detrimental impact upon my property value. The reduced value can be directly attributed to the loss of ocean, sky, and sunset views from the West side of my home. I have also been negatively impacted with respect to other items and issues as previously addressed.

In conclusion, if the permitting process would have followed required procedures, such as neighborhood notification, I would have been made aware of what was being proposed, and could have acted accordingly. Instead, a permit was applied for on January 21, 2010, the second story structure was built before being permitted, and the permit was not issued until February 9. 2010. with significant errors,

this permit was somehow rushed through the approval process without a neighborhood notification and coastal review. This was all done by trying to refer to a Coastal Permit from 2007 that had a similar project description, but was no longer valid. So, we have a structure built without an issued permit at the time of construction, and a permit issued after the fact and was issued in error. Now, they have a residence that exceeds the Floor to Area Ratio and property that does not have a building permit in good standing. We have suffered damages as the result of the building of a full second story before the issuance of a permit. We were making decisions under the assumption that a new building permit allowing a change to the existing permit for 7 Rockview Drive would be a process that would be lengthy and difficult if not impossible. We have already suffered irrevocable damages and will continue to suffer more damage if the Planning Department approves this permit, application, and its variances.

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Michael A. Guth
Attorney at Law
2-2905 East Cliff Dr.
Santa Cruz, CA 95062

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, CA

April 13, 2010

Re: Permit Application 10-0080; Agenda Item 7, April 14, 2010

I strenuously object to the granting of a Floor Area Ratio Variance on this parcel.

THE FLOOR AREA RATIO VARIANCE CANNOT BE JUSTIFIED UNDER ANY REASONING.

The reduced net site area on this parcel is not the unintended consequence of a law passed for other reasons. The new law was passed specifically to prevent large houses on smaller plateau lots. The 38% reduction in lot size is not atypical, in fact, in Rio Del Mar much larger losses may have occurred.

A variance may be appropriate when a rule prevents use of a parcel. However, this parcel already had a pre-existing structure, thus was not denied use. **Further, there is already a permit granted (07-0755) for this parcel which DOUBLES the size of the pre-existing home. It is not legally justifiable to claim deprivation when one can already DOUBLE the size of an existing home.** In all my years participating in this County's land use affairs, I have never heard such an outrageous claim as that made in Findings 1 and 3.

Using the new net site area, the old home had a 22.9% FAR. The current, approved permit has an FAR of 44% using the new net site area. The new net site area still allows for more than a doubling of the size of the pre-existing home. **A FAR Variance here is a grant of special privilege. Just because the owner would prefer a larger home cannot be the basis of violating the clear legislative intent of the recent law change.**

Pointing out that other homes, built and permitted prior to the new law change, have larger FARs provides no legal basis for contrast to similarly situated properties. The law was changed specifically to disallow such situations.

GRANT OF SUCH A VARIANCE WOULD DIRECTLY IMPINGE UPON LEGISLATIVE FUNCTION AND CANNOT BE DONE ADMINISTRATIVELY.

GRANT OF SUCH A VARIANCE WOULD BE ADMINISTRATIVE USURPATION OF LEGISLATIVE AUTHORITY.

The Planning Commission cannot grant this variance.

Yours Sincerely,

Michael Guth

Michael A. Guth

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From: KMI513@aol.com [mailto:KMI513@aol.com]
Sent: Tuesday, April 13, 2010 1:41 PM
To: ingraminc1@sbcglobal.net
Subject: Letter for Wed/ Carol Gray

March 15, 2010

To Whom It May Concern:

I am writing this letter in response to the recent "red tag notice" that has stopped construction on 7 Rock View Drive. I am the full time residing resident at 5 Rock View and I feel it is in my best interest and the best interest of our street to have the Ingram project move forward in a timely fashion. Improvements made to the Ingram property benefit us all, and to the best of my knowledge Alex and Kris have moved through this process with the appropriate permits and inspections. The Ingram's have been courteous and have kept inconveniences to a minimum during their renovation to date. I hope you will move in the direction of allowing this project to continue so that I have a completed house next door as opposed to a construction site. I thank you for your time and consideration in this matter.

Respectfully submitted,

Carol Gray

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SURFTECH

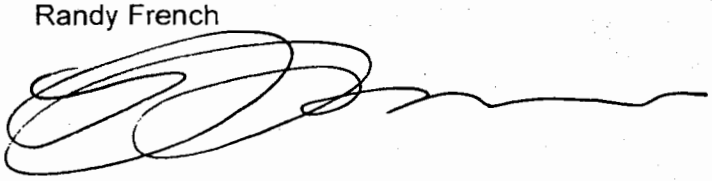
To: Santa Cruz County Planning Dept
Cc: John Leopold

Ref: 7 Rockview

We are the current home owners of #3 Rockview Dr, and we are concerned about the status of the construction project at 7 Rockview, home of the Ingram's. We applied and received a coastal permit at the same time as the Ingram's, so we were surprised to see that there construction project has been "red tagged". The improvements to the property at #7 Rockview Dr. will benefit our neighborhood, and we urge the city to resolve any issue at hand in an expeditious manner, and allow the Ingram's to move forward towards their project completion.

Thank You

Randy French



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2685 Mattison Lane, Santa Cruz, CA 95062 Phone: 831-479-4944 Fax: 831-479-4949

Lisa Shawver

4802 E. Morada Lane

Stockton, CA 95212

209-931-3431

I would like to address the following points:

1. Page 5 of the Staff Report for this April 14, 2010 meeting
2. Building without a Permit
3. Building after a Stop Work Order
4. Condition IV C
5. FLOOR AREA RATIO

Please look at Page 5, Column 3 of the Staff Report-the section approved in July 2009. The net site area square footage used was 5603sf. This is an error. The ordinance 5402 was passed and in effect by May 5, 2009. Thus, the FAR calculation should have used 3425 sf as the net site area square footage. Even utilizing the 3425sf , the calculation of the FAR would have been at 44%. This is significant as they were in compliance with the approved Building Permit 09-0142. They were okay through 2009 and only until they applied for a change order on 1/21/2010.

After they applied for the change order on 1/21/2010, they proceeded to build without the change order building permit in hand. Mr. Ingram is in the construction/construction management business and knew full well that you are not supposed to build without a permit. They had fully framed in the addition of 508 square feet for sure by 2/3/2010. The reason I know this now is because we received an offer on our home that was significantly less than originally indicated. The buyers said this was due to the significant changes they saw in the construction at 7 Rockview. We did not understand at that time because we do not live at 9 Rockview full time. Meanwhile, a friend was coming down to Santa Cruz and wanted to know if we wanted him to check on our home. We gladly said yes. He quickly

called us on February 6 to ask us if we were aware of the significant building that was going on next door. I said no and asked him to take some pictures. I immediately notified our realtor and asked if she could also drive by and take some pictures. Both confirmed that the "full" second story addition had been completely framed in and continuing to move forward.

I immediately called Monday morning, February 8 to the Planning Department to see what was going on. We found out about the application and that a permit had not yet been issued or picked up. They are out of compliance for Building without a Permit as they did not pick up the permit until February 9, 2010.

We continued to press forward in asking why this had not triggered a public notice, why was it approved without following the proper procedures. We were told later that indeed the permit should not have been issued and a Stop Work order was to be issued, which leads to Building while a Stop Work Order has been issued. Once again, Mr. Ingram is the construction business and he knows what a Stop Work order is and means. But with full contempt for the Planning Department issuance of the Stop Work Order, he continued to build his unpermitted, out of compliance home.

Many issues surround this potential permit. We feel it should not be issued. When Coastal Permit 09-0142 was approved, one of the conditions, Conditon IV C, was that the original Coastal Permit 07-0755 would become void and they could no longer refer back to it for any reason. They cannot carry forward approvals from 2007.

Lastly, they should not be granted any variances in particular any variances regarding the FAR. The FAR maximum is 50%. An FAR Variance is a grant of special privilege. The FAR variance requested cannot be justified for any reason. This body cannot administrate around legislation.

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(page 106 of 109 pages)

Arnie Dun - Mammoth Design Solutions
916.320..6080

The issue is whether to revoke or amend the building permit.

What are the issues:

1. **Ordinance 5042** designed to limit the size of a residence along the coast to the actual land area as opposed to a lot area which projected into the ocean, which took effect May 5, 2009.
2. **Floor Area Ratio**, the purpose is to limit the size a property owner can build, the goal is to regulate appropriate size, proportion and scale of homes for the quality of life of others and enjoyment of the community.
3. **Owner applied for and received Minor Variation 09-0124** to reduce the scope of the project which superceded Permit 07-0755 and under
4. **Condition IV. C, thereby prohibiting and annulling** the construction of the project plans approved by the previous Permit 07-0755, which the property owners signed and acknowledged on July 28, 2009, which is after Ordinance 5042 took effect.
5. **Building Permit 152272 was issued** on August 13, 2009 to the property owners, this new permit falls under the amended County Code (section 13.10.700 –S of the County Code)
6. **An Error by the Building Department** was made by approving the Change Order to increase the size of the 2nd story by 508s.f. plus 125s.f. deck (88s.f. covered) on January 21, 2010. This Change Order should not have been approved because it was in violation of Ordinance 5042 and section 13.10.700 –S of the County Code, and Floor Area Ratios.
7. **Even approval should have triggered** a number of actions such as: amendment to the coastal permit for a larger sized home, public notice, design review, FAR calculations, et al.
8. **Revoking the Change Order because it violates Ordinance 5042 and County Code**. The definition of "Ordinance" is a law, statute, or regulation passed by a municipal government. Many ordinances deal with maintaining public safety, health, and general welfare.
9. **Amending the Change Order** because of the error by the Building Department which refers to an outdated coastal permit and whereby planners are citing permit history to justify the error. This would mean overriding or superceding the current ordinance/law, County Code and condition IV. C, and the fact that the owners signed and acknowledged the conditions of approval of Permit 152272. Does this action set precedence for other property owners who want to build greater than the FAR allows?
10. **Stating that there needs to be a variance in the code** to allow FAR to exceed the 50% maximum, thereby undermining Ordinance 5042 and county code. Building codes govern life, safety, and health issues whereby zoning deals with land management and intended for relative permanency.
11. **The power given to the Building Department** is to be used in the public interest and for the general welfare of the community impartially, not for issuing variances to cover mistakes. The landowner cannot complain as long as the power to zone is used in this manner. Regulation must be for the good of all the people in the community rather than that of one person or to justify an error. Regulations must be in accordance with a comprehensive plan.

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(page 109 of 109 pages)

12. Responsibility and Honesty: Ask, would this additional square footage been allowed if the Planner had not made an error and is the house in scale and proportional to the lot, the neighboring houses and itself?

BUILDING OFFICIAL. **The officer or other designated authority charged with the administration and enforcement of the code**

Section 17920. ***"Enforcement" means diligent effort to secure compliance, including review of plans and permit applications, response to complaints, citation of violations, and other legal process. Except as otherwise provided in this part, "Enforcement" may, but need not, include inspections of existing buildings on which no complaint or permit application has been filed, and effort to secure compliance as to these existing buildings.***

The *California Building Standards Code* is published in its entirety every three years by order of the California legislature. The California legislature delegated authority to various State agencies, boards, commissions and departments to create building regulations to implement the State's statutes. These building regulations or standards have the same force of law,

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
'CE (831) 427-4863 FAX (831) 427-4877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Lisa Shawver
William Shawver

Mailing Address: 4802 E. Morada Ln.

City: Stockton, CA Zip Code: 95212 Phone: 209-483-4006 cell
209-931-3431 home
209-483-4005 Lisa's cell

SECTION II. Decision Being Appealed

1. Name of local/port government:
County of Santa Cruz Planning Commission

2. Brief description of development being appealed: Application # 10-0080 to increase the size of the 2nd story to add 528 sq.ft. of living space and 125 sq.ft. of covered deck, to delete condition IV C and to carry forward approvals from 2007 for a greater than 800 sq.ft. addition to a non conforming structure and variances to increase the Floor Area Ratio from the required 50% to 59% and a permit for greater than 800 sq ft addition to a non conforming structure

3. Development's location (street address, assessor's parcel no., cross street, etc.):
7 Rockview Dr., Santa Cruz, CA 95062
APN: 028-304-23

4. Description of decision being appealed (check one.):

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MAY 06 2010
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SCO-10-025

DATE FILED: May 18, 2010

DISTRICT: Central Coast

CCC Exhibit 2
(page 1 of 96 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☒ Planning Commission
- ☐ Other

6. Date of local government's decision: 4-14-2010

7. Local government's file number (if any): 10-0080

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
Alex L Jr. & Kristine Ingram Trustees
665 Belden Ct.
Los Altos, CA 94022
650-917-8618 office
408-921-8383 cell

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Dennis Norton
712 C Capitola Ave.
Capitola, CA 95010
831-476-2616

(2) William Shawver
4802 E. Morada Ln.
Stockton, CA 95212
209-483-4006

(3) Lisa Shawver
4802 E. Morada Ln.
Stockton, CA 95212
209-483-4005

(4) Michael Guth
2-2905 East Cliff Dr.
Santa Cruz CA 95062

CCC Exhibit 2
(page 2 of 96 pages)

5. Mike Hakeem } our attorneys
Al Ellis
3414 Brookside Rd, Suite 100
Stockton, CA 95219
209-474-2800

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please attached pages:

1. Highlights
2. Statement
3. Issues #1 - #9

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature of Appellant(s) or Authorized Agent

Date: 5-5-10

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Coastal Commission Appeal 10-0080
Statement

On 12/31/2007, Coastal Permit #07-0755 was applied for and approved. However, a corresponding building permit was not issued. Instead, a new Coastal Permit #09-0142 was applied for on 4/22/2009 which proposed a revision to the construction approved under Coastal Permit #07-0755 which significantly decreased the area of the 2nd story addition from 965 square feet to 395 square feet. In order for this permit to be approved under a minor variance, Condition IV C was implemented and prohibited the construction of the project plans approved from the original Coastal Permit #07-0755 at any time after issuance of the building permit for the revised project. The Building Permit #00152772 was issued on 8/13/2009 and construction began 10/19/2009.

On 1/21/2010, a change order was applied for asking for a 508 square foot addition to relocate the master bedroom, create a new master bath and add 125 square foot balcony to the 2nd story. Significant errors were made with the granting of this change order on 2/9/2010. It should have triggered public notification based upon several levels. One pertains to an addition of over 500 square feet and second, on an addition which requires a variance due to the Floor Area Ratio far exceeding the 50% maximum. In applying for the permit, they were referencing Coastal Permit # 07-0755 which was invalid as the homeowners signed documents to that effect, in particular, Condition IV C.

Most importantly, it should be noted that the homeowners built the 2nd story addition before the change order had been issued. Furthermore, the Planning Commission was aware of the error the day the change order was being issued. Next, with full contempt for the Planning Department's issuance of

CCC Exhibit 2
(page 5 of 96 pages)

a stop work order dated 2/25/2010, the Ingram's continued to build his unpermitted, out of compliance home.

Even though the Planning Commission has made numerous errors with respect to this change order, the homeowners took it upon themselves to illegally build the addition before obtaining the permit.

Another significant error was the failure to disclose by the homeowner and the designer that they were exceeding the 50% maximum FAR with their application for a change order to their permit. The homeowner is in the construction/ construction management business and the designer is well versed and experienced in land use consulting and design in the Santa Cruz County area. The homeowner and the designer, Dennis Norton, knew full well that their change order should have required a request for a variance. Instead, they took it upon themselves to build the structure before the change order was issued in hopes that they would not be challenged. I feel that a plea of ignorance on their part would be an absolute fallacy. If not for me questioning the permit, I think they would have successfully exceeded the 50% maximum FAR without question.

The Planning Department and the homeowner have both made numerous errors with respect to this change order dated 1/21/2010. It is my opinion that the Planning Commission ruled in the homeowners' favor based upon the fact that the Planning Department had made an error. Allowing this variance goes against the intended purpose of this legislation. It is my contention that two wrongs do not make a right. The granting of a variance should never be used as a solution in an attempt to rectify an error.

CCC Exhibit 2
(page 6 of 96 pages)

If this proposed change order is allowed, it will benefit those who have made errors while my property is being significantly damaged in the process. The Floor Area Ratio variance cannot be justified under any reasoning. Granting of such a variance would be an administrative usurpation of legislative authority.

CCC Exhibit 2
(page 7 of 96 pages)

Coastal Commission Appeal 10-0080
Highlights

I would like to address the following points:

1. **The change order dated 1/21/2010 should have been treated as an entirely new application. Rules and regulations have changed. Procedures needed to be followed before it could possibly have been approved.**
2. **The building plans on the change order were built without a permit.**
3. **The building plans on the change order continued to be built even with a stop work order in place.**
4. **The Floor Area Ratio far exceeds the current regulations and should not be granted under any circumstance.**
5. **The variance for a setback was never approved.**
6. **Condition IV C cannot be deleted. This condition was the reason Coastal Permit # 09-0142 was approved. This new permit caused Coastal Permit # 07-0755 to be null and void and could not be used for any reason. The change order cannot carry forward Permit # 07-0755 from 2007.**
7. **The non conforming structure requires a sprinkler system to insure Fire Safety for our home.**
8. **The building design is not properly proportioned to the parcel and is out of compliance with respect to Floor Area Ratio.**
9. **The site design has taken away our light, air, and solar opportunities.**

Please be sure to read all the attached pages as there is code interspersed throughout the issues.

Issue #1 Regarding: **Coastal Commission Appeal 10-0080 Application # 0070232M Dated 1/21/10 Permit # 00152272-1 Issued 2/9/2010**

This application should never have been approved nor issued. First, based upon the fact that Application #09-0142 was originally approved upon Condition IV C which states:

> **"This minor variation permit shall supercede Permit 07-0755 once this minor variation permit has been exercised. This shall prohibit the construction of the project plans approved by 07-0755 at any time after issuance of the building permit for this revised project."**

the original Coastal Permit #07-0755 becomes invalid altogether and is binding on the current owners as well as all future owners of the property. (18.10.240) This is only one reason the change order to Building Permit # 00152272-1 should not have been issued.

18.10.240 Permit conditions.

(a) Ability of the Approving Body to Attach Conditions. The approving body may grant, or recommend the granting of, permits or approvals upon such terms and conditions as the approving body deems necessary to ensure the adequate implementation of the project in compliance with all County policies and ordinances. Such conditions may include, but are not limited to, the following:

(1) The posting of a sufficient surety to guarantee compliance with the conditions of the permit.

(2) The withholding of occupancy of the premises until the conditions have been complied with.

(3) A time limit for the beginning of and completion of the project or any phase of the project.

(4) The execution of an agreement, to the extent allowed by law, by which the applicant, and his or her successor(s) in interest, agrees to:

(A) Waive claims of liability against the County by applicant or his or her successor(s) in interest;

(B) Defend, indemnify and hold the County harmless from claims of liability to third parties;

(C) Provide insurance coverage adequate for any liability described in subparagraphs (A) and (B) above.

(b) Non-Separability of Conditions. All conditions of a permit shall be considered as conditions of all the concurrent approvals granted and may not be separated and assigned to an individual approval unless specifically so indicated at the time of approval. See Section 18.10.360 for procedures regarding conditions attached to permits requiring Coastal Zone approvals in the event of an appeal to the Coastal Commission.

(c) Non-Compliance With Permit Conditions. Any permit or approval may be revoked by the Planning Commission or Board of Supervisors as provided in this chapter upon a finding that any term or condition of the permit has not been, or is not being, complied with.

(d) Acquisition of Property Interests for Off-Site Improvements. Except as otherwise provided in Section 14.01.513 of the County Code for subdivisions, in the event an applicant is required to

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construct or install off-site improvements on land to which neither the applicant nor the County has sufficient title or interest, including an easement or license, at the time of the approval of the permit to allow the improvements to be made, the applicant shall be required to enter into an agreement with the County prior to the issuance of a building permit for the project to pay for the County's costs, including personnel salaries and benefits, legal fees and costs, and compensation to the landowner for acquiring an interest in the land which will permit the improvements to be made. The applicant shall also be required to post an appropriate cash security deposit with the County prior to the issuance of a building permit for the project to be applied towards the County's costs for acquiring the off-site property interest. In the event the County fails to commence condemnation proceedings to acquire the off-site property interest within one hundred twenty (120) days of the issuance of the building permit for the project, then the condition for construction of any off-site improvement which is dependent upon the property acquisition shall be deemed to be waived.

(e) Development Permit Agreement Condition. All development permits shall include a condition requiring an agreement not to convert any structure or building approved as part of the development permit into a dwelling unit or into any structure for human habitation in violation of this Code. Each agreement required by this subsection shall provide for the recovery by the County of reasonable attorney fees and costs in bringing any legal action to enforce an agreement together with recovery of any rents collected for the illegal structure or, in the alternative, for the recovery of the reasonable rent value of the illegally converted structure from the date of conversion. The amount of any recovery of rents or of the reasonable rental value of any illegally converted structure or building shall be deposited in the County's Affordable Housing Fund. The agreement shall be written so as to be binding on future owners of the property, including a reference to the deed under which the property was acquired by the present owner, and shall be filed with the County Recorder. Proof that the agreement has been recorded shall be furnished to the County prior to the granting of any building permit permitting construction on the property. (Ord. 746, 1/8/62; 1578, 2/23/71; 1704, 4/25/72; 1746, 7/18/72; 2294, 5/25/76; 2506, 11/22/77; 2757, 9/4/79; 2800, 10/30/79; 2872, 3/4/80; 3503, 3/6/84)

When the change order was requested 1/21/2010 on Building Permit # 00152272, many laws had changed. In fact, in the very near future, the hearing on 5/12/2010 in front of the California Coastal Commission will likely approve the Pleasure Point Community Plan which will further change building permit code.

Because laws have changed, the new application on 1/21/2010 for a change order to Building Permit # 00152272 should have first triggered a neighborhood notification process. (18.10.211) And, no application shall be deemed complete without the results of the neighborhood meeting when one is required. (18.10.212) Also, when the change order was requested on 1/21/2010, since laws had changed as well as having Condition IV C placed upon the valid Building Permit from 8/13/2009, the Ingrams could not go back to the 2007 Coastal Permit as it was now null and void. The Ingrams were asking for major changes and variances and there was no compliance with the Zoning Regulations. (13.10.140)

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18.10.211 Neighborhood notification and meeting.

(a) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within three hundred (300) feet of the exterior boundaries of the project parcel shall be notified. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted application will require new noticing and a neighborhood meeting:

(A) A change that results in an increase of twenty (20) percent or more in height, floor area ratio or lot coverage;

(B) A change that necessitates a variance;

(C) A change that results in an increase in the number of lots or dwelling units;

(D) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(b) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required. (Ord. 4818 § 5 (part), 3/7/06)

18.10.212 Application completion.

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord. 4818 § 5 (part), 3/7/06)

13.10.140 Applicability.

(a) Compliance with Zoning Regulations. No person shall construct, enlarge or move a building, and no person shall establish a new use of land or expand or intensify an existing use unless it conforms to the permitted uses provided in the zone district or conforms to a permit and regulations authorizing a discretionary use in the zone district in which the land is located. All construction, alteration, reconstruction or enlargement of buildings and all uses of buildings and land shall comply with all provisions of this chapter except as otherwise provided for nonconforming structures and uses.

(b) Conformance by Government Agencies. No government unit whether city, county special district or state agency shall be exempt from the provisions of this chapter, except for state agencies and cities engaged in a sovereign activity or a local public agency exempted by Sections 53090 et seq. of the California Government Code. Where a Coastal Zone Approval is required pursuant to Chapter 13.20, state and federal agencies and cities may be required to comply with various provisions of this chapter as a condition of the Coastal Zone Approval. (Ord. 560, 7/14/58; 1578, 2/23/71; 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 4166, 12/10/91)

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This application for the change order was at a Review Level III which are for minor variations and corrections. This is entirely incorrect. Since the original application from 12/31/2007 was now invalid due to Condition IV C, this MUST be at a higher review level. They were asking on 1/21/2010 to add a 508 square foot second story and a 125 square foot deck in addition to other variances which would require a variance to the Floor Area Ratio. The Ingrams and the architect new of the code changes and did not ask for the proper variances that would require a higher review level. This application should have been designated at a minimum of a Level IV and more probably should have been at a Level VII. (13.10.150, 18.10.222, 18.10.223 and 18.10.224)

13.10.150 Amendment.

(a) Planning Commission Action. Any amendment to this chapter which changes property from one zone district to another, or imposes any regulation not previously imposed, or removes or modifies any such regulation previously imposed, shall be processed as a Level VII approval pursuant to Chapter 18.10, including a public hearing and recommendation by the Planning Commission prior to consideration of the amendment by the Board of Supervisors. Any other amendments to this chapter may be adopted as other ordinances are adopted.

(b) Local Coastal Program Amendment. Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the provisions of Chapter 13.03 and a Level VII approval pursuant to Chapter 18.10 and shall be subject to approval by the California Coastal Commission. (Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

18.10.222 Level IV (Public notice)—Notice of application submittal.

(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

(1) The County shall mail a notice in the form of a postcard or letter not more than ten (10) calendar days following the receipt of a development application to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than ten (10) calendar days following the receipt of a development application.

(b) Contents of Notice. The content of the notice shall be as follows:

(1) Location of the proposed project;

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(2) Name of the applicant;
(3) Description of the proposed use;
(4) How further information may be obtained and how to submit information on the proposed project;
(5) Final date on which comments will be accepted;
(6) How to submit information on the proposed project;
(7) Date the permit is proposed to be issued.

NOTICE OF PENDING ACTION

(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

(1) Mailed notice in the form of a postcard or letter mailed not less than ten (10) calendar days prior to the issuance of the permit to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Published Notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the issuance of the permit.

(3) Posting on the property in a conspicuous place at least ten (10) calendar days prior to the issuance of the permit.

(4) Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least ten (10) days prior to the issuance of the permit.

(d) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;
(2) Name of the applicant;
(3) Description of the proposed use;
(4) How further information may be obtained and how to submit information on the proposed project;
(5) Date the permit will be issued;
(6) Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)-Notice of public hearing.

(a) Procedures. A public notice of all public hearings conducted pursuant to the issuance of permits and approvals at Levels V (Zoning Administrator) through VII (Board of Supervisors) shall be given in the following ways:

(1) The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the date set for hearing.

(2) Posted on the property in a conspicuous place at least ten (10) calendar days prior to the hearing.

(3) The County shall mail notices in the form of a postcard or letter not less than ten (10) calendar days prior to the public hearing to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property and to all lawful

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occupants of properties within one hundred (100) feet of the subject property, including the lawful occupants of the subject property. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail. The County shall also mail these notices to the Coastal Commission and to all persons who have requested to be on the mailing list for the subject development project or for coastal decisions within that jurisdiction.

(4) The County shall provide notice to the Board of Supervisors by delivery by the United States Postal Service addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail at least ten (10) days prior to the public hearing.

(b) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;
(2) Name of the applicant;
(3) Description of the proposed use;
(4) Title of the hearing officer or hearing body;
(5) Date of the hearing;
(6) Time of the hearing;
(7) Location of the hearing;
(8) How further information may be obtained;
(9) Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

(c) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (a) of this section is more than one thousand (1,000), or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners and residents affected by the proposal.

(d) Alternative Notice Procedure for Coastal Approvals. When a Development Permit includes only a Coastal Approval for a project pursuant to Chapter 13.20 of this Code, and when the number of persons or entities who would be notified in subsection (a)(3) of this section is more than two hundred (200), the County may give notice by:

(1) Increasing the posting requirement in subsection (a)(2) of this section to provide posting every one thousand (1,000) feet along an adjoining roadway; and

(2) Placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the project.

(e) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing.

(f) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors Resolution.

(g) Notice to Other Jurisdictions.

(1) Public agencies shall be notified of tentative map applications pursuant to Sections 14.01.305.1, 14.01.318, 14.01.319 and 14.01.320 of this Code.

(2) Public agencies shall be notified of public hearings on General Plan amendments pursuant to Section 13.01.080 of this Code.

(3) In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement of the Planning Director, have an interest in the project.

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(h) Recipients of Notice of Final Action. On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:

(1) The applicant;

(2) The owner of the subject parcel;

(3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit;

(4) In the Coastal Zone, the Coastal Commission;

(5) Provide to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail. (Ord. 758, 2/19/62; 1048, 2/1/65; 1704, 4/25/72; 2506, 11/22/77; 2800, 10/30/79; 2872, 3/4/80; 3604, 11/6/84; 3639, 3/26/85; 4044, 1/9/90; 4075, 7/24/90; 4244, 3/23/93; Ord. 4818 § 7, 3/7/06)

18.10.224 Notice of proposed development for Level IV through Level VII.

For all development that requires review at Levels IV through VII, the applicant shall install a sign or signs on each site of the proposed development in accordance with this section.

(a) Deadline for Placement. Any sign required by this chapter shall be placed no later than seven calendar days after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The number of signs, size, and locations shall be approved in advance by the Planning Director. Sign specifications shall be provided by the Planning Department to the manufacturer of the sign for the applicant who will then install the sign. Verification shall occur when the County receives from the applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(b) Location. Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. For proposed projects in public rights-of-way, signs shall be posted at one thousand (1,000) foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway. Signs shall be located so as to not interfere with vehicular line of sight distance.

(c) Size, Material and Height Above Grade. Each sign shall be a minimum of two feet by two feet up to a maximum of two feet (vertical) by four feet (horizontal). Signs shall be constructed of recyclable coroplast material. Other material may be used with the approval of the Planning Director. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

(1) Letter style: Arial or similar standard typeface;

(2) Letter size:

(A) Two-inch bold capital letter for the header:

NOTICE OF PROPOSED DEVELOPMENT

(B) One-inch bold capital letters for the project description,

(C) One-inch upper and lower case for all other letters,

(D) One-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

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Applicant:	Project planner:
Applicant's name	Planner's name
Applicant's phone number	Planner's phone number
Applicant's e-mail address	Planner's e-mail address

(3) Letter color shall be black;

(4) Background color shall be white.

(d) Information Required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

(1) Header;

(2) Application number;

(3) Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each;

(4) Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side;

(5) Staff may require additional specific information be included in order to provide a useful notice.

(e) The following modifications to a submitted application will require new noticing including new sign text:

(1) A change that results in an increase of twenty (20) percent or more in height, floor area ratio, or lot coverage;

(2) A change that necessitates a variance;

(3) A change that results in an increase in the number of lots or dwelling units;

(4) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(f) Deadline for Sign Removal. Each sign shall be removed within ten (10) calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed affidavit attesting that the sign has been removed in the time period allowed.

(g) Failure to Provide Affidavit and/or Remove Sign. If the applicant fails to return the affidavit or if the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation. (Ord. 4818 § 8, 3/7/06)

Next, needed for this new application was a Coastal Zone approval under 13.20.050. Any person wishing to undertake any development in the Coastal Zone shall obtain a Coastal Zone Approval. Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development of activity. In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgment of the Planning Director, have an interest in the project.

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections

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13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

There are numerous reasons why this application for a change order should not have been approved nor permitted. Procedures were not followed; zoning regulations were not followed. Also, Condition IV C invalidated the original Coastal Permit # 07-0755 and the applicant should not be allowed to carry forward any approval from 2007. Rules and regulations have changed since the issuance of Coastal Permit 07-0755 of December 31, 2007 and the Ingrams gave up their rights to that permit when they accepted Condition IV C pursuant to the issuance of Building Permit # 00152272. Procedures are in place to protect the general welfare of the community as well as homeowners and newer property owners (which is us) from improprieties and irregularities. (13.10.120)

13.10.120 Purpose.

The purposes of this chapter are:

(a) To implement the General Plan and Local Coastal Program Land Use Plan by providing specific regulations as to the allowable uses of land and structures;

(b) To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare;

(c) To protect the character, stability, and satisfactory interrelationships of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;

(d) To protect the natural environment in compliance with the California Environmental Quality Act. (Ord. 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

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Issue #2 **Coastal Commission Appeal 10-0080**
Regarding: **Building Without a Permit**

The new application # 0070232M was applied for on 1/21/2010. The permit was issued and picked up on February 9, 2010. The new permit called for an addition of a 508 square foot second story and a 125 square foot deck. This was built before the permit was issued. I have photos and witnesses to verify this fact.

The property located at 9 Rockview Drive has been in my family since 1965 when my mother and father purchased the home. In 2009, I took possession of 9 Rockview Drive through a family trust after my mother passed away. In the early summertime, I was made aware of some building plans for 7 Rockview Drive. I was told by the Ingrams that they were going to remodel their home and that remodel would include a "partial" second story. They said they wanted to be sure to let us know as we were selling our home and we would need to disclose this information. I was happy to learn that they were not intending to build a second story on the part nearest the ocean as my sunlight and air as well as my views would not be drastically affected. Obviously, that was very important to me.

In the late summer of 2009, the Ingrams let me know of their intentions to break ground in October and on October 19, 2009, I received an email from Alex Ingram informing me that construction had indeed begun that very day. The construction began and by the end of 2009, it was apparent to me that the size and scope of the building was complete. I was in Santa Cruz on the 23rd/24th of January readying the home for an open house. The Ingrams were there as we were speaking to our realtor. There was no mention whatsoever of any further additions at that time. This is important to note as they applied for the change order on 1/21/2010.

On February 7, 2010, I received a phone call from a friend visiting the area that was I aware of the large 2nd story that was built next to me. I said that I was just down there and yes there should be a partial 2nd story. He said no that a fully completed 2nd story had been built. I called my realtor and she called me back in a panic that there was

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now an extensive full 2nd story that protruded out past my home towards the ocean and she informed me that we now had disclosure problems as we had only disclosed the plans the Ingrams had told us about in the summer of 2009 (Coastal Permit 09-0142/Building Permit # 00152272). Pictures were taken by my realtor and my friend to verify that indeed that there was additional square footage added to the 2nd story.

Since I had not been contacted by the Ingrams about this, I called the County of Santa Cruz Planning Department immediately to see what had happened and if a permit had been applied for/issued/granted. The new application # 0070232M was applied for on 1/21/2010. As I do not live in the area, I called the Santa Cruz County planning Commission numerous times to find out what had happened. By the time I was able to talk to someone that could give me the detailed information I needed, it was February 10, 2010 and the permit had just been issued and picked up on February 9, 2010. The size and scope of the building had been dramatically increased without the approval and Building Permit issued. It is unlawful to build without an approved and issued permit. Mr. Ingram is in the construction/construction management business and knows full well that you are not supposed to build without a permit. Further, they had opportunity and should have notified us of proposed changes, especially since the Ingrams made such a big deal in notifying us in the first place as they knew we would need to disclose this change as we were selling our family home. See codes below as well as attached pictures.

13.10.275 Violations of zoning use regulations.

(a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(b) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in

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which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (2) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timber Production Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a Development Permit has been obtained and is in effect

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which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265. (Ord. 4390A, 4/2/96; Ord. 4496-C, 8/4/98)

13.10.280 Enforcement penalties, remedies and procedures for violations.

(a) Permit Issuance. All departments, officials, and public employees of the County of Santa Cruz which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this Chapter, and any such permits or licenses, if issued in conflict with the provisions of this Chapter, shall be null and void.

(b) Compliance with Authorized Privilege. If any portion of a privilege authorized by a modification, variance, discretionary use, planned unit development permit, rezoning approval, design review approval or other conditional permission granted under any provision of the County Code relating to land use is used or exercised by any person entitled to use or exercise such privilege, any and all conditions of such privilege shall immediately become effective and must be strictly complied with. The violation of any such condition shall constitute a violation of this Chapter and shall be subject to the same penalties and remedies as any other violation of the Santa Cruz County Code. (Ord. 560, 7/14/58; 708, 9/11/61; 1578, 2/23/71; 2913, 5/6/80; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3891, 3/1/88; 4390A, 4/2/96)

12.10.310 Permits required.

Except as specified in Section 12.10.315 of this Chapter, no building, structure or building and/or property service equipment regulated by this Chapter and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building and/or property service equipment has first been obtained from the Building Official. (Ord. 4894 § 2 (part), 11/20/07)

12.10.430 Violations.

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, improve or maintain any building or structure or to cause, permit, aid, abet or furnish any equipment or labor for such work; unless either (1) a building permit has first been obtained for each building or structure from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a permit by the provisions of Subsection 12.10.315 of this Chapter.

(b) It shall be unlawful for any person, firm, or corporation to proceed with work on a building or structure under a building permit beyond the work authorized by a previous inspection or without first obtaining the inspection approvals required by Sections 12.10.355 of this Chapter.

(c) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the adopted California Building Code.

(d) It shall be unlawful for any person, firm or corporation to use or occupy a building or structure for any type of occupancy or to cause, permit, aid or abet the same without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(e) It shall be unlawful for any person, firm, or corporation to change the character of any occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancy without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

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(f) It shall be unlawful for any person, firm, or corporation to erect, construct, reconstruct, install, relocate, alter or maintain any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of or within a mobile home park or within a mobile home lot or to cause, permit, aid or abet such work unless (1) a written construction permit has been first obtained from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a written construction permit by the provisions of Section 1026 of Title 25 of the California Administrative Code.

(g) It shall be unlawful for any person, firm or corporation to locate or install a manufactured home on any site for the purpose of human habitation or occupancy as a dwelling or to cause, permit, aid or abet such location or installation unless a building permit has first been obtained from the Building Official and is in effect which authorizes such location or installation. (See also Sections 13.10.682 and 13.10.683 of the Santa Cruz County Code.)

(h) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(i) It shall be unlawful for any person, firm, or corporation to install, add to, alter, reconstruct, relocate, replace, or repair any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work unless;

(1) The appropriate permit has first been obtained from the Building Official and is in effect which authorizes such work; or

(2) The work is exempt from the requirements for a permit under the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(j) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Building Official.

(k) It shall be unlawful for any person or persons to occupy any space for which a building permit has been issued by the Building Official until a final inspection has been performed and the building or work is found to comply with all codes and ordinances.

This subsection does not apply to permits for interior remodel or renovation of existing interior spaces.

(l) It shall be unlawful for any person, firm or corporation to locate, re-locate, install or continue to service, any propane or liquid gas to any structure, appliance or other device which has not been approved for connection by the Building Official.

(m) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, bridge, or structure in the unincorporated area of Santa Cruz, State of California, or to cause the same to be done contrary to or in violation of any of the provisions of the codes adopted hereby. (Ord. 4894 § 2 (part), 11/20/07)

16.30.080 Violations.

(a) It shall be unlawful for any person to do cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a riparian corridor as defined in Section 16.30.030 unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

(b) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer or furnish equipment or labor for any development activity within a buffer zone of an arroyo as defined in Section 16.30.030 and as prescribed by the provisions of subsection 16.30.040(b) unless either (1) a development permit has been obtained and is in effect which authorizes the development activity as an exception; or (2) the activity is exempt from the requirement for a development permit by the provisions of Section 16.30.050 of this chapter.

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(c) It shall be unlawful for any person to exercise a development permit authorizing development activity as an exception without complying with all of the conditions of such permit.

(d) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Planning Director. (Ord. 2460, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3335; 11/23/82; 3451-A, 8/23/83)

13.20.170 Violations of coastal zone regulations.

(a) It shall be unlawful for any person to undertake any development (as defined in Section 13.20.040 of the Santa Cruz County Code) in the Coastal Zone unless (1) a Development Permit has been obtained and is in effect which authorizes development within the Coastal Zone; or (2) a Notice of Exclusion for the project has been obtained from the Planning Department pursuant to Section 13.20.080 of this chapter; or (3) the project is exempt pursuant to Section 13.20.060 et seq. of this chapter.

(b) It shall be unlawful for any person to exercise any Development Permit which authorizes development within the Coastal Zone without complying with all of the conditions of such permit. (Ord. 3435, 8/23/83; 3451-A; 4346, 12/13/94)

It is still my contention that this permit should not have been issued in the first place due to numerous procedural errors and due to direct conflicts with the General Plan. However, there have been continuous infractions in complying with building codes as they built the full, extensive 2nd story without the proper permit in hand.

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Issue #3 Coastal Commission Appeal 10-0080
Regarding: Building after a Stop Work Order in Place

The new application # 0070232M was applied for on 1/21/2010 and Permit #00152272-1 was issued on 2/9/2010. After speaking with the Santa Cruz County Planning Commission in person on 2/15/2010 as well as numerous phone conversations with Pala Levine, I was told that a stop work was issued to the Ingrams for the "new", "full" 2nd story addition.

Mr. Ingram confronted my realtor at our open house and said that he had been red-tagged because of our inquiries with the planning department. The stop work order was issued on 2/25/2010. Over the next seven weeks, he continued to work on the new addition applied for on 1/21/2010. It is my understanding after further communication with the Planning Department that work on this portion of the home was to have ceased until after formal approval has been received. Further, the Stop Work Order is still in place until after the completion of the appeal process. He is in violation of codes 13.10.275, 13.10.279, 13.10.280, 13.20.170, 12.10.310, 12.10.340, 12.10.430, and 18.10.360.

13.10.275 Violations of zoning use regulations.

(a) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "CA" Commercial Agriculture Zone District, in the "A" Agriculture Zone District, or in the "AP" Agricultural Preserve Zone District unless that use is either (1) listed in Section 13.10.312 of this Chapter as a permitted use in the agricultural zone district in which the land is located; or (2) is listed in such section as a discretionary use in the agriculture zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(b) It shall be unlawful for any person to establish, cause or permit a new use of land, or intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "RA" Residential Agricultural Zone District, in the "RR" Rural Residential Zone District, in the "R-1" Single-Family Residential Zone District, in the "RB" Ocean Beach Residential Zone District, or in the "RM" Multi-Family Residential Zone District unless that use is either (1) listed in Section 13.10.322 of this Chapter as a permitted use in the residential zone district in which the land is located; or (2) is listed in such section as a discretionary use in the residential zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

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(c) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand or intensify an existing use of land, or construct, enlarge, or move a building for a use of land located in the "PA" Professional Administrative Office Zone District, in the "VA" Visitor Accommodations Zone District, in the "C-1" Neighborhood Commercial Zone District, in the "CT" Tourist Commercial Zone District, in the "C-2" Community Commercial Zone District, or in the "C-4" Commercial Services Zone District unless that use is either (1) listed in Section 13.10.332 of this Chapter as a permitted use in the commercial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (2) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(d) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "M-1" Light Industrial Zone District, in the "M-2" Heavy Industrial Zone District, or in the "M-3" Mineral Extraction Industrial Zone District unless that use is either (1) listed in Section 13.10.342 of this Chapter as a permitted use in the industrial zone district in which the land is located; or (2) is listed in such section as a discretionary use in the industrial zone district in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(e) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PR" Parks, Recreation and Open Space Zone District unless that use is either (1) listed in Section 13.10.352 of this Chapter as a permitted use in the Parks, Recreation and Open Space Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Parks, Recreation and Open Space Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(f) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "PF" Public and Community Facilities Zone District unless that use is either (1) listed in Section 13.10.362 of this Chapter as a permitted use in the Public and Community Facilities Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Public and Community Facilities Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(g) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "TP" Timber Production Zone District unless that use is either (1) listed in Section 13.10.372 of this Chapter as a permitted use in the Timber Production Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Timber Production Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265.

(h) It shall be unlawful for any person to establish, cause or permit a new use of land, or expand, intensify or continue an existing use of land, or construct, enlarge or move a building for a use of land located in the "SU" Special Use Zone District unless that use is either (1) listed in Section 13.10.382 of this Chapter as a permitted use in the Special Use Zone District in which the land is located; or (2) is listed in such section as a discretionary use in the Special Use Zone District in which the land is located and a Development Permit has been obtained and is in effect which authorizes that discretionary use; or (3) is a legal non-conforming use or structure in conformance with Sections 13.10.260 and 13.10.265. (Ord. 4390A, 4/2/96; Ord. 4496-C, 8/4/98)

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13.10.279 Continuing violations.

(a) Unlawful Actions. It shall be unlawful for any person to allow a situation to continue contrary to the provisions of this Chapter or to any permit conditions required pursuant to this Chapter, regardless of whether the violation was originally committed by a prior owner or other third person.

(b) Declaration as Nuisance. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of this Chapter, and/or any use of any land or premises, established, conducted, operated, or maintained contrary to the provisions of this Chapter, shall be, and the same is hereby declared to be, unlawful and a public nuisance and the District Attorney or the County Counsel shall, upon written request of the Planning Director or upon order of the Planning Commission or the Board of Supervisors, immediately commence actions or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law. (Ord. 4390A, 4/2/96)

13.10.280 Enforcement penalties, remedies and procedures for violations.

(a) Permit Issuance. All departments, officials, and public employees of the County of Santa Cruz which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Chapter, and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this Chapter, and any such permits or licenses, if issued in conflict with the provisions of this Chapter, shall be null and void.

(b) Compliance with Authorized Privilege. If any portion of a privilege authorized by a modification, variance, discretionary use, planned unit development permit, rezoning approval, design review approval or other conditional permission granted under any provision of the County Code relating to land use is used or exercised by any person entitled to use or exercise such privilege, any and all conditions of such privilege shall immediately become effective and must be strictly complied with. The violation of any such condition shall constitute a violation of this Chapter and shall be subject to the same penalties and remedies as any other violation of the Santa Cruz County Code. (Ord. 560, 7/14/58; 708, 9/11/61; 1578, 2/23/71; 2913, 5/6/80; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 3891, 3/1/88; 4390A, 4/2/96)

13.20.170 Violations of coastal zone regulations.

(a) It shall be unlawful for any person to undertake any development (as defined in Section 13.20.040 of the Santa Cruz County Code) in the Coastal Zone unless (1) a Development Permit has been obtained and is in effect which authorizes development within the Coastal Zone; or (2) a Notice of Exclusion for the project has been obtained from the Planning Department pursuant to Section 13.20.080 of this chapter; or (3) the project is exempt pursuant to Section 13.20.060 et seq. of this chapter.

(b) It shall be unlawful for any person to exercise any Development Permit which authorizes development within the Coastal Zone without complying with all of the conditions of such permit. (Ord. 3435, 8/23/83; 3451-A; 4346, 12/13/94)

12.10.310 Permits required.

Except as specified in Section 12.10.315 of this Chapter, no building, structure or building and/or property service equipment regulated by this Chapter and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building and/or property service equipment has first been obtained from the Building Official. (Ord. 4894 § 2 (part), 11/20/07)

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12.10.340 Suspension or revocation.

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code and the 2007 California Building Code, the 2007 California Mechanical Code, the 2007 California Plumbing Code, and the 2007 California Electrical Code when the permit is issued in error or on the basis of incorrect information supplied, or in violation of an ordinance or regulation or the provisions of the above-referenced codes. (Ord. 4894 § 2 (part), 11/20/07)

12.10.430 Violations.

(a) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, improve or maintain any building or structure or to cause, permit, aid, abet or furnish any equipment or labor for such work; unless either (1) a building permit has first been obtained for each building or structure from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a permit by the provisions of Subsection 12.10.315 of this Chapter.

(b) It shall be unlawful for any person, firm, or corporation to proceed with work on a building or structure under a building permit beyond the work authorized by a previous inspection or without first obtaining the inspection approvals required by Sections 12.10.355 of this Chapter.

(c) It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish any building or structure or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the adopted California Building Code.

(d) It shall be unlawful for any person, firm or corporation to use or occupy a building or structure for any type of occupancy or to cause, permit, aid or abet the same without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(e) It shall be unlawful for any person, firm, or corporation to change the character of any occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancy without first obtaining a Certificate of Occupancy from the Building Official where required by Section 12.10.370 of this Chapter.

(f) It shall be unlawful for any person, firm, or corporation to erect, construct, reconstruct, install, relocate, alter or maintain any building or structure or accessory building or structure, any electrical, mechanical, or plumbing equipment, fuel gas equipment and installations or fire protection equipment or installations of or within a mobile home park or within a mobile home lot or to cause, permit, aid or abet such work unless (1) a written construction permit has been first obtained from the Building Official and is in effect which authorizes such work; or (2) the work is exempt from the requirements for a written construction permit by the provisions of Section 1026 of Title 25 of the California Administrative Code.

(g) It shall be unlawful for any person, firm or corporation to locate or install a manufactured home on any site for the purpose of human habitation or occupancy as a dwelling or to cause, permit, aid or abet such location or installation unless a building permit has first been obtained from the Building Official and is in effect which authorizes such location or installation. (See also Sections 13.10.682 and 13.10.683 of the Santa Cruz County Code.)

(h) It shall be unlawful for any person, firm or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work contrary to or in violation of any of the provisions of the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

(i) It shall be unlawful for any person, firm, or corporation to install, add to, alter, reconstruct, relocate, replace, or repair any mechanical, plumbing and electrical system or to cause, permit, aid or abet such work unless;

(1) The appropriate permit has first been obtained from the Building Official and is in effect which authorizes such work; or

(2) The work is exempt from the requirements for a permit under the 2007 California Mechanical Code, the 2007 California Plumbing Code, or the 2007 California Electrical Code.

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(j) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet or furnish equipment or labor for any work in violation of a stop work notice from and after the date it is posted on the site until the stop work notice is authorized to be removed by the Building Official.

(k) It shall be unlawful for any person or persons to occupy any space for which a building permit has been issued by the Building Official until a final inspection has been performed and the building or work is found to comply with all codes and ordinances.

This subsection does not apply to permits for interior remodel or renovation of existing interior spaces.

(l) It shall be unlawful for any person, firm or corporation to locate, re-locate, install or continue to service, any propane or liquid gas to any structure, appliance or other device which has not been approved for connection by the Building Official.

(m) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, bridge, or structure in the unincorporated area of Santa Cruz, State of California, or to cause the same to be done contrary to or in violation of any of the provisions of the codes adopted hereby. (Ord. 4894 § 2 (part), 11/20/07)

18.10.360 Appeals to Coastal Commission.

In the Coastal Zone, some approvals may be appealed to the State Coastal Commission in accordance with the procedures in Chapter 13.20 (Coastal Zone Regulations). When an appeal of a Coastal Zone approval is filed with the Coastal Commission, the permit to which the Coastal Zone approval is attached shall not be issued by the County until the Coastal Commission has approved the project and the Planning Director has reviewed and approved any terms or conditions imposed by the Coastal Commission. In the event the Coastal Commission eliminates or modifies any term or condition imposed by the County, or, in the event the Planning Director determines that the terms and conditions imposed by the Coastal Commission are a substantial variation from the terms and conditions of the proposed permit as issued by the County, then the approving body shall reconsider the permit approval and shall review and approve, modify, or deny the project as approved by the Coastal Commission. If the County reconsiders and modifies the project, the approval shall again become appealable to the Coastal Commission pursuant to the provisions of Chapter 13.20. (Ord. 4044, 1/9/90; 4103, 12/11/90)

It is our contention that the permit for the change order should not have been issued in the first place. But the Ingrams built without the proper permit in hand and, then, after a stop work order had been issued, continued building an unpermitted, out of compliance home. Mr. Ingram is in the construction/construction management business. He knows what a Stop Work Order is and means. The permit for this change order should be revoked due to his noncompliance and violations of the Planning Commission codes.

18.10.136 Permit revocation.

(a) Permits Which May Be Revoked. Any permit heretofore or hereafter granted may be revoked or amended in lieu of revocation by the Planning Commission or Board of Supervisors, as provided herein, upon a finding that any term or condition of the permit has not been, or is not

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being complied with or that the permit has been issued or exercised in violation of any statute, law or regulation, or in a manner which creates a nuisance, or is otherwise detrimental to the public health and safety. Such revocation may be initiated by a Resolution of Intention adopted by either the Board of Supervisors or by the Planning Commission. Such Resolution of Intention shall provide notice to the permittee of the noncompliance, violation or nuisance and reasonable opportunity consistent within the public health and safety for permittee to correct same to the satisfaction of the County. Such reasonable opportunity for correction may be provided by scheduling the actual hearing on revocation for a date which will allow time for such correction.

(b) Hearing Procedures. If a Resolution of Intention is adopted, to initiate the revocation of any planning approval, the Planning Commission or Board of Supervisors shall set the matter for a hearing, giving notice of the time, place and level of the hearing as prescribed in Section 18.10.223. A copy of the Resolution of Intention shall be sent to the current owner of record. Upon the conclusion of the hearing, the Planning Commission or the Board of Supervisors may, upon making the appropriate findings, either revoke the permit or amend the permit in lieu of revocation.

(c) Appeal Procedures. Any decision of the Planning Commission to revoke a permit or amend a permit in lieu of revocation shall be subject to the appeal and special consideration provisions set forth in Sections 18.10.310 through 18.10.360, inclusive, of this Code. Any decision by the Board of Supervisors to revoke a permit or amend a permit in lieu of revocation shall be final, except for revocation or amendment of permits for projects cited in Santa Cruz County Code Section 13.20.122(a)(4) (Major public works projects and major energy facilities) which may be appealed to the Coastal Commission according to the provisions of Section 13.20.122.

(d) New Application After Revocation. Following the revocation of a permit, no application for a permit for the same or substantially the same use on the same parcel shall be filed within one year after the date of revocation, without the prior consent of the Board of Supervisors. (Ord. 822, 10/15/62; 1578, 2/23/71; 4044, 1/9/90; amended during 9/07 supplement)

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Issue #4 **Coastal Commission Appeal 10-0080**
Regarding: **Floor Area Ratio Variance**

Application # 09-0142 dated April 22, 2009 asked to revise Coastal Development Permit # 07-0755. The building permit for Coastal Permit #09-0142 was issued on August 13, 2009. Pursuant to the building permit being issued, the Ingrams consented to Condition IV C which invalidated the 2007 Coastal Permit #07-0755 as previously mentioned. Also, during this time, Ordinance 5402 was passed and in effect by May 5, 2009 which affected the Floor Area Ration calculations of any new projects. The net site area used in the FAR calculation for 7 Rockview Drive was now 3425 square feet. Utilizing the net site area of 3425 square feet gave them an FAR of about 44%. This is significant as they were in compliance with Coastal Permit # 09-0142 / Building Permit # 00152272 issued on August 13, 2009.

A variance may be appropriate when a rule prevents use of a parcel. But, the parcel was already in use as the original home was around 700 square feet. When the Coastal Permit # 09-0142 was granted in 2009, it more than doubled the size of the pre-existing home. Thus a claim cannot be made that the Ingrams are being deprived since they were allowed double the size of the existing home. A homeowner's desire for a larger home cannot be the basis of violating the clear legislative intent of the law. This law was passed specifically to prevent monster homes being built on small plateau lots.

When the Ingrams applied for the change order to Building Permit # 00152272 on January 21, 2010, they asked for an additional 508 square foot addition to the 2nd story as well as an additional 125 square foot balcony. The Floor Area Ratio (FAR) with a 2007 square foot residence on a 3425 net square foot lot far exceeds the FAR at 59%.

Since this change order has not been granted and is technically a new application, it will likely fall under the Pleasure Point Community Plan which will further limit the FAR to 45% on lots less than 3500 net square feet in size. Their valid 2009 building permit had an FAR of 44%. And now with the unpermitted, extensive, full 2nd story addition, they are at 59%. You must also keep this in mind as they will be

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substantially over the maximum FAR allowance of 45%. (Pleasure Point Community Plan 13.10.446 (a) (2))

They should not be granted any variances regarding the FAR. The FAR maximum is currently 50% and under the Pleasure Point Community Plan will be 45%. The FAR Variance is a grant of special privilege. The Ingrams' FAR variance requested cannot be justified for any reason. This variance would violate clear legislative intent. Granting a variance which exceeds the 50 % FAR (or soon to be 45% FAR) would directly encroach upon the legislative function. Further, the granting of this variance would be inconsistent with the limitations on other properties in the Pleasure Point Community area. (13.10.230) By comparing other homes built and permitted prior to the current FAR restrictions, does not provide a just or legal basis for granting this variance.

13.10.230 Variance Approvals.

(a) Description. A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including Design Standards and Guidelines and regulations for special uses. The power to grant Variance Approvals does not allow changes in use which are affected only by Use Approvals pursuant to Section 13.10.220, rezoning of the property pursuant to Section 13.10.215, or amendment to the regulations of this Chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

1. To facilitate certificates of compliance.
2. To facilitate dedications of rights-of-way or other required improvements for public benefit.
3. To allow the consideration of the creation of new lots when the size of the lot is within 1% of the zoning requirement and is consistent with the General Plan.

(b) Procedures. All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a Variance Approval shall be in accordance with the provisions of Chapters 18.10 and 19.01 for a Level V approval and paragraph (c) "findings" below except that site area variances which create new building sites under the circumstances described in Section 13.10.230(a) shall be processed at Level VII.

(c) Findings. The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

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.
2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.
3. That the granting of such variance 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. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06)

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The change order submitted on 1/21/2010 required an entirely new application process as well as coastal zone approval. (13.20.050) And, because it was asking for an addition of greater than 500 square feet, it now required a new design review. (13.11.040) Because of Condition IV C, they absolutely cannot go back to the original Coastal Permit # 07-0755 as it was invalid and void. They had signed off on that permit which would allow their current permit #09-0142 to be issued. Thus, they would need to go through all of the proper procedures including applications, design review, public hearings, etc. required for the additions and extensive variances they were asking for. (13.11.051)

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

13.11.040 Projects requiring design review.

Design review shall be required for the following private and public activities for which a development, coastal or land division permit approval is required by the County of Santa Cruz:

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

(b) Residential development of three (3) or more units.

(c) New single family residences or remodels of 7,000 square feet or larger as regulated by Section 13.10.325.

(d) All minor land divisions, as defined in Chapter 14.01, occurring within the Urban Services Line or Rural Services Line, as defined in Chapter 17.02; all minor land divisions located outside of the Urban Services Line and the Rural Services Line, which affect sensitive sites; and, all land divisions of 5 parcels (lots) or more. For all subdivisions where actual construction of homes is not part of the application, design guidelines for development shall be required as part of the application submittal package. For all subdivisions where actual construction of homes is part of the application, both design guidelines and prototypical house and landscape design plans shall be required as part of the application submittal package, or design guidelines for future home construction. Any major revisions to approved construction prototypes or design guidelines shall be processed pursuant to Section 18.10.134 and shall be subject to the Design Review process.

(e) All commercial remodels or new commercial construction.

(f) All industrial remodels or new industrial construction.

(g) All institutional remodels or new institutional construction.

(h) All County projects, including, but not limited to, public buildings, park and open spaces, streets and streetscapes.

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(i) Except for large dwellings as defined in this Chapter, all agriculturally-related uses and structures proposed in the A, AP, CA, TP or RA zoning districts are exempt from the standards and guidelines contained herein.

(j) Design review requirements may be waived if the Planning Director, or his/her designee, certifies that the nature of the project is minor or incidental in respect to the purpose of design review as defined in this Chapter. Conversely, design review requirements may be imposed on a project if the Planning Director, or his/her designee, certifies that the nature of the project is significant in respect to the purpose of design review as defined in this Chapter.

(k) The landscape water conservation requirements set forth in Section 13.11.075(c) apply only to the common landscape areas of land divisions and of residential developments of three or more units; to commercial, industrial or institutional construction or remodels 2,000 square feet in size or larger; and to all County projects including, but not limited to, public buildings, parks and open spaces, streets and streetscapes. (Ord. 4406, 2/27/96; 4416, 6/11/96; 4496-C, 8/6/98)

13.11.051 Submittal requirements.

All projects subject to this Chapter shall submit the documentation prescribed in Section 18.10.210(e) of this Code. The Planning Department may, however, waive any of the prescribed requirements upon a determination that specific items are not relevant to the application due to project characteristics. Conversely, any other information deemed necessary by the Planning Director or his/her designee, such as photographs, visual analysis, sketches and renderings, shall be required, if determined necessary for a complete design analysis.

Because of Condition IV C, they are out of compliance with the approved 2009 Coastal Permit #09-0142 / Building Permit # 00152272. An unpermitted, out of compliance home has been built. It exceeds the maximum FAR of 50% (soon to be 45% due to the Pleasure Point Community Plan). This variance should not be granted as it is not consistent with the Building Code, Local Coast Program or the General Plan. (13.10.130, 13.11.060, 13.02.040, 13.02.070, and 18.10.140)

13.10.130 Scope.

Pursuant to California Government Code Section 65850, this chapter contains provisions to:

(a) Regulate the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes.

(b) Regulate signs and billboards.

(c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

(d) Establish requirements of off-street parking and loading.

(e) Establish and maintain building setback lines.

(Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.11.060 Compliance with approved site plan, architecture, and landscape architecture requirements, maintenance and enforcement.

(a) Compliance. All required improvements on the approved building permit application package shall be installed or, in some cases, secured, as shown on the plans prior to issuance of a certificate of occupancy.

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(b) Maintenance. All required improvements on the approved building permit application package shall be permanently maintained as approved and installed.

(c) Violation. Failure to comply with this Chapter is a violation of the County of Santa Cruz Zoning Ordinance.

(d) Enforcement. Any violation of this Chapter, including failure to comply with additional approved conditions and/or agreements between the County and the permittee for the development and maintenance of the project improvements, is enforceable under the provisions of Section 13.10.280 and Chapter 1.12 of the Santa Cruz County Code. Enforcement may include, without limitation, permit review, permit amendment, permit revocation, or enforcement of a landscape maintenance agreement and other actions authorized under Chapter 1.12 of the County Code.

13.02.040 Local Coastal Program consistency.

(a) In the Coastal Zone, all Specific Plans shall be consistent with the provisions of the adopted Local Coastal Program including the implementing ordinances. Any proposed Specific Plan which is not consistent with the provisions of the existing adopted and certified Local Coastal Program may only be adopted concurrent with the adoption of other appropriate amendments to the Local Coastal Program necessary to maintain consistency. Specific Plans in the Coastal Zone shall be processed pursuant to the hearing and notification provisions of County Code Chapter 13.03 and shall be subject to approval by the California Coastal Commission. Following local adoption of a Specific Plan in the Coastal Zone, the plan shall be submitted to the Executive Director of the California Coastal Commission for approval and determination of whether it is consistent with the Local Coastal Program.

(b) Any Specific Plan which is not consistent with the provisions of the existing adopted Local Coastal Program may only become effective concurrent with the adoption of appropriate amendments to the Local Coastal Program necessary to maintain consistency. (Ord. 3324, 11/23/82)

13.02.070 Specific Plan consistency.

(a) Land Use Regulation. Within an area included in an adopted Specific Plan, all land shall be zoned consistent with the Specific Plan; and no discretionary land use project, public or private, shall be approved by the County unless it is found to be consistent with any applicable Specific Plan.

(b) Public Works Projects. Pursuant to California Government Code Section 65553, no public building or works including new streets, sewers, or schools, shall be constructed within an area included within an adopted Specific Plan until such project has been referred to the Planning Commission for a report as to conformity with the Specific Plan, a copy of the report has been filed with the Board of Supervisors, and the Board of Supervisors has made a finding that the project is in conformity with the Specific Plan. The Planning Commission's action shall be based on a public hearing and a report from the Planning Department. Failure of the Planning Commission to report within 40 days after the matter has been submitted to it shall be deemed a finding of conformity with the Specific Plan, unless the submitting agency authorizes a longer period. (Ord. 3324, 11/23/82)

18.10.140 Conformity with the General Plan and other legal requirements.

(a) All permits and approvals issued under this Chapter shall be consistent with the provisions of the adopted County General Plan. Any proposed permit or approval which is not consistent with the existing adopted General Plan may be issued or approved only concurrently with the adoption of appropriate amendments to the General Plan necessary to maintain consistency. "Consistent with," as used in this Section, means that the permits and approvals

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must be in harmony with and compatible with the policies, objectives, and land use programs of the General Plan.

(b) All proposals for residential development of property within the urban services line, except for second units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the Development Review Group (see Section 18.10.210(c)(1). Following completion of the Development Review Group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within forty-five (45) days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within sixty (60) days from the date of the DRG meeting. (Ord. 560, 7/14/58; 2/19/62; 1029, 11/16/64; 1704, 4/25/72; 1863; 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 4044, 1/9/90; 4671 § 3, 6/18/02)

With respect to building design, the addition asked for in this application is not utilizing scale appropriately. The Floor Area Ratio exceeds the current 50% maximum and soon to be 45% maximum from the Pleasure Point Community Plan. We absolutely do not want to see a precedent set for allowing a vastly greater FAR than permitted. We would like to see the Pleasure Point Community Plan, Planning Commission, and the Coastal Commission adhere to their own rules and regulations. Granting a variance in this situation directly contradicts the legislative function and should not be done administratively.

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Issue #5 Coastal Commission Appeal 10-0080
Regarding: Variance for a Setback

On December 31, 2007, application # 07-0755 requested a variance to reduce the required east side yard set back from five (5) feet to two (2) feet. There was never an actual Building Permit issued based upon this application and project description. In fact, Coastal Permit # 07-0755 was replaced with Coastal Permit #09-0142 on 8/13/2009 upon Condition IV C which made the original Coastal Permit #07-0755 void and no one could refer back to it for any reason.

What Building Permit issued by the Planning Commission dealt with the variance of a setback from five (5) feet to two (2) feet? There are procedural problems from the start even with Application #09-0142 as they only asked for a variance on the south side for an increased square footage of their deck.

When the Ingrams applied for the change order to Building Permit # 00152272 on January 21, 2010, the only variances they asked for were to increase the FAR from 50% to 59% and to exceed the 50% limit on driveways in the front yard. However, there has never been a variance granted on the setback from five (5) feet to two (2) feet.

13.10.230 Variance Approvals.

(a) Description. A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including Design Standards and Guidelines and regulations for special uses. The power to grant Variance Approvals does not allow changes in use which are affected only by Use Approvals pursuant to Section 13.10.220, rezoning of the property pursuant to Section 13.10.215, or amendment to the regulations of this Chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

1. To facilitate certificates of compliance.
2. To facilitate dedications of rights-of-way or other required improvements for public benefit.
3. To allow the consideration of the creation of new lots when the size of the lot is within 1% of the zoning requirement and is consistent with the General Plan.

(b) Procedures. All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a Variance Approval shall be in accordance with the provisions of Chapters 18.10 and 19.01 for a Level V approval and paragraph (c) "findings" below except that site area variances which create new building sites under the circumstances described in Section 13.10.230(a) shall be processed at Level VII.

(c) Findings. The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the

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Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variance 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. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06)

The change order submitted on 1/21/2010 required coastal zone approval. (13.20.050) Because of Condition IV C, they could not go back to the original Coastal Permit # 07-0755 as it was invalid and void. They had signed off on that permit which would allow their current permit #09-0142 to be valid. Thus, they would need to go through all of the proper procedures and ask for this setback variance again as well as get the proper coastal zone approval.

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

Because of Condition IV C, they are out of compliance with the approved Coastal Permit #09-0142 / Building Permit # 00152272. And, where does it state that the variance for the setback was ever approved. And, what procedures should have been followed for this variance? This variance should not be granted as it is not consistent with the Local Coast Program or the General Plan. (13.02.040, 13.02.070, and 18.10.140) Further, this is a violation of development standards. (13.10.277)

13.11.060 Compliance with approved site plan, architecture, and landscape architecture requirements, maintenance and enforcement.

(a) Compliance. All required improvements on the approved building permit application package shall be installed or, in some cases, secured, as shown on the plans prior to issuance of a certificate of occupancy.

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(b) Maintenance. All required improvements on the approved building permit application package shall be permanently maintained as approved and installed.

(c) Violation. Failure to comply with this Chapter is a violation of the County of Santa Cruz Zoning Ordinance.

(d) Enforcement. Any violation of this Chapter, including failure to comply with additional approved conditions and/or agreements between the County and the permittee for the development and maintenance of the project improvements, is enforceable under the provisions of Section 13.10.280 and Chapter 1.12 of the Santa Cruz County Code. Enforcement may include, without limitation, permit review, permit amendment, permit revocation, or enforcement of a landscape maintenance agreement and other actions authorized under Chapter 1.12 of the County Code.

13.02.040 Local Coastal Program consistency.

(a) In the Coastal Zone, all Specific Plans shall be consistent with the provisions of the adopted Local Coastal Program including the implementing ordinances. Any proposed Specific Plan which is not consistent with the provisions of the existing adopted and certified Local Coastal Program may only be adopted concurrent with the adoption of other appropriate amendments to the Local Coastal Program necessary to maintain consistency. Specific Plans in the Coastal Zone shall be processed pursuant to the hearing and notification provisions of County Code Chapter 13.03 and shall be subject to approval by the California Coastal Commission. Following local adoption of a Specific Plan in the Coastal Zone, the plan shall be submitted to the Executive Director of the California Coastal Commission for approval and determination of whether it is consistent with the Local Coastal Program.

(b) Any Specific Plan which is not consistent with the provisions of the existing adopted Local Coastal Program may only become effective concurrent with the adoption of appropriate amendments to the Local Coastal Program necessary to maintain consistency. (Ord. 3324, 11/23/82)

13.02.070 Specific Plan consistency.

(a) Land Use Regulation. Within an area included in an adopted Specific Plan, all land shall be zoned consistent with the Specific Plan; and no discretionary land use project, public or private, shall be approved by the County unless it is found to be consistent with any applicable Specific Plan.

(b) Public Works Projects. Pursuant to California Government Code Section 65553, no public building or works including new streets, sewers, or schools, shall be constructed within an area included within an adopted Specific Plan until such project has been referred to the Planning Commission for a report as to conformity with the Specific Plan, a copy of the report has been filed with the Board of Supervisors, and the Board of Supervisors has made a finding that the project is in conformity with the Specific Plan. The Planning Commission's action shall be based on a public hearing and a report from the Planning Department. Failure of the Planning Commission to report within 40 days after the matter has been submitted to it shall be deemed a finding of conformity with the Specific Plan, unless the submitting agency authorizes a longer period. (Ord. 3324, 11/23/82)

13.10.277 Violations of development standards.

(a) Yard Setback Requirements. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for any construction of structures within the yard setback areas required by the regulations of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction.

(b) Height Limitations. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for construction of a structure of a height in excess of the maximum

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height limitation of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction.

(c) Lot Coverage Limitations. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for construction of a structure which exceeds the maximum percentage of lot coverage of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction. (Ord. 3451-A, 8/23/83)

18.10.140 Conformity with the General Plan and other legal requirements.

(a) All permits and approvals issued under this Chapter shall be consistent with the provisions of the adopted County General Plan. Any proposed permit or approval which is not consistent with the existing adopted General Plan may be issued or approved only concurrently with the adoption of appropriate amendments to the General Plan necessary to maintain consistency. "Consistent with," as used in this Section, means that the permits and approvals must be in harmony with and compatible with the policies, objectives, and land use programs of the General Plan.

(b) All proposals for residential development of property within the urban services line, except for second units and residential remodels, at less than the lowest end of the designated density range of the County General Plan—LCP land use designation where there is the potential that three or more new units could be accommodated on-site at the lowest end of the density range shall be subject to review by the Development Review Group (see Section 18.10.210(c)(1). Following completion of the Development Review Group (DRG) process, the proposal and the information developed as a result of the DRG process shall be referred to the Board of Supervisors for a preliminary General Plan consistency determination at a public hearing. Proposals of four or fewer lots (or units) shall have their DRG meeting within forty-five (45) days from the date of application, and shall be considered by the Board of Supervisors at a public hearing within sixty (60) days from the date of the DRG meeting. (Ord. 560, 7/14/58; 2/19/62; 1029, 11/16/64; 1704, 4/25/72; 1863; 5/1/73; 1943, 10/4/73; 2142, 6/17/75; 2294, 5/25/76; 2823, 12/4/79; 4044, 1/9/90; 4671 § 3, 6/18/02)

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Issue #6 Coastal Commission Appeal 10-0080
Regarding: Condition IV C

We have an objection to the change order submitted on 1/21/2010 of Coastal Permit #09-0142/Building Permit # 00152272 dated 8/13/2009. This Coastal Permit when issued in 2009 said,

> **"Proposal to revise the construction approved under Coastal Development Permit #07-0755 by increasing the area of the proposed garage from 243 square feet to 322 square feet, by decreasing the area of the second story addition from 965 square feet to 395 square feet, and by increasing the area of the proposed second story deck from 60 square feet to 98 square fee. Requires a Minor Variation to 07-0755. Project is located on the south side of North Palisades at 7 Rockview Drive."**

But a condition of that Coastal Permit #09-0142 being approved was that Condition IV C be implemented which completely invalidated the original Coastal Permit #07-0755 from every being used or recognized again. They cannot carry forward any approval from 2007.

The Application #0070232M from 1/21/2010 sought to:

> **"Change order to BP# 152272 (RA/RE) to include 508 sq. ft. addition to relocate master bedroom, create new master bath & add 125 sq.ft. balcony to the second story. Remodel to include remove closets/wall to convert lower bedroom #2 to dining room. Results in a 2-story SFD with 3 bedrooms, 3 baths, family/dining room, living room, entry, attached garage."**

This new application should have triggered a neighborhood notification and a coastal review. It was approved and issued on 2/9/2010 without the proper process needed for this type of change. Also, the entire "new" addition applied for had been completed well before the permit was issued and picked up. The change order did not comply with any of the proper procedures. See codes below.

18.10.211 Neighborhood notification and meeting.

(a) When Required.

(1) For all development that requires discretionary approval at Level VI or VII, the applicant shall conduct a neighborhood meeting to explain the proposed development to and solicit comments from those in attendance. The County Supervisor from the district in which the proposed development is located, the Planning Director, and all owners and occupants within three hundred (300) feet of the exterior boundaries

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of the project parcel shall be notified. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified. The notification shall be by first class mail and shall include a brief description of the proposed development and the date, time and location of the neighborhood meeting.

(2) The following modifications to a submitted application will require new noticing and a neighborhood meeting:

(A) A change that results in an increase of twenty (20) percent or more in height, floor area ratio or lot coverage;

(B) A change that necessitates a variance;

(C) A change that results in an increase in the number of lots or dwelling units;

(D) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(b) Results. The results of the neighborhood meeting shall be required as part of the application submittal. No application shall be deemed complete without the results of the neighborhood meeting when one is required. (Ord. 4818 § 5 (part), 3/7/06)

18.10.212 Application completion.

Applications will not be deemed as complete by the Planning Department until all required information has been submitted. The effective time of filing a permit application shall be the time when the application has been deemed complete in full compliance with this chapter and with all other County ordinances as to form and content. (See also California Government Code Section 65941) (Ord. 4044, 1/9/90; Ord. 4818 § 5 (part), 3/7/06)

13.10.140 Applicability.

(a) Compliance with Zoning Regulations. No person shall construct, enlarge or move a building, and no person shall establish a new use of land or expand or intensify an existing use unless it conforms to the permitted uses provided in the zone district or conforms to a permit and regulations authorizing a discretionary use in the zone district in which the land is located. All construction, alteration, reconstruction or enlargement of buildings and all uses of buildings and land shall comply with all provisions of this chapter except as otherwise provided for nonconforming structures and uses.

(b) Conformance by Government Agencies. No government unit whether city, county special district or state agency shall be exempt from the provisions of this chapter, except for state agencies and cities engaged in a sovereign activity or a local public agency exempted by Sections 53090 et seq. of the California Government Code. Where a Coastal Zone Approval is required pursuant to Chapter 13.20, state and federal agencies and cities may be required to comply with various provisions of this chapter as a condition of the Coastal Zone Approval. (Ord. 560, 7/14/58; 1578, 2/23/71; 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83; 4166, 12/10/91)

13.10.150 Amendment.

(a) Planning Commission Action. Any amendment to this chapter which changes property from one zone district to another, or imposes any regulation not previously imposed, or removes or modifies any such regulation previously imposed, shall be processed as a Level VII approval pursuant to Chapter 18.10, including a public hearing and recommendation by the Planning

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Commission prior to consideration of the amendment by the Board of Supervisors. Any other amendments to this chapter may be adopted as other ordinances are adopted.

(b) Local Coastal Program Amendment. Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a revision constitutes an amendment to the Local Coastal Program such revision shall be processed pursuant to the provisions of Chapter 13.03 and a Level VII approval pursuant to Chapter 18.10 and shall be subject to approval by the California Coastal Commission. (Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

18.10.222 Level IV (Public notice)—Notice of application submittal.

(a) Procedures. Public notice of the receipt of a development application pursuant to Level IV. Public notices shall be given in the following ways:

(1) The County shall mail a notice in the form of a postcard or letter not more than ten (10) calendar days following the receipt of a development application to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property, including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County.

In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Notice to the Board of Supervisors. Notice shall be by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail no more than ten (10) calendar days following the receipt of a development application.

(b) Contents of Notice. The content of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Final date on which comments will be accepted;

(6) How to submit information on the proposed project;

(7) Date the permit is proposed to be issued.

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(c) Procedures. Public notice of the intent to issue a permit pursuant to Level IV. Public notice shall be given in the following ways:

(1) Mailed notice in the form of a postcard or letter mailed not less than ten (10) calendar days prior to the issuance of the permit to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, and to all lawful occupants of properties within one hundred (100) feet of the subject property including all lawful occupants of the subject property. Such notices and mailing list shall be based on the mailing list generated by the County. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail.

(2) Published Notice. Notice shall be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the issuance of the permit.

(3) Posting on the property in a conspicuous place at least ten (10) calendar days prior to the issuance of the permit.

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(4) Notice to the Board of Supervisors. Notice shall be delivered by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government interdepartmental mail at least ten (10) days prior to the issuance of the permit.

(d) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) How further information may be obtained and how to submit information on the proposed project;

(5) Date the permit will be issued;

(6) Description of the administrative appeal procedure. (Ord. 839, 11/28/62; 1714, 5/9/72; 2506, 11/22/77; 2800, 10/30/79; 3604, 11/6/84; 4044, 1/9/90; 4285, 12/14/93; 4463, 6/17/97; 4496-C, 8/4/98; Ord. 4818 § 6, 3/7/06)

18.10.223 Level V (Zoning Administrator) through Level VII (Board of Supervisors)-Notice of public hearing.

(a) Procedures. A public notice of all public hearings conducted pursuant to the issuance of permits and approvals at Levels V (Zoning Administrator) through VII (Board of Supervisors) shall be given in the following ways:

(1) The County shall cause the notice to be published in a newspaper of general circulation printed and published within the County at least ten (10) calendar days prior to the date set for hearing.

(2) Posted on the property in a conspicuous place at least ten (10) calendar days prior to the hearing.

(3) The County shall mail notices in the form of a postcard or letter not less than ten (10) calendar days prior to the public hearing to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the subject property and to all lawful occupants of properties within one hundred (100) feet of the subject property, including the lawful occupants of the subject property. In the event that there are fewer than ten (10) separate parcels within three hundred (300) feet of the exterior boundaries of the property involved in the application, said three hundred (300) foot distance shall be extended in increments of fifty (50) feet (e.g., 350, 400, 450) until owners of at least ten (10) properties have been notified by mail. The County shall also mail these notices to the Coastal Commission and to all persons who have requested to be on the mailing list for the subject development project or for coastal decisions within that jurisdiction.

(4) The County shall provide notice to the Board of Supervisors by delivery by the United States Postal Service addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail at least ten (10) days prior to the public hearing.

(b) Contents of Notice. The contents of the notice shall be as follows:

(1) Location of the proposed project;

(2) Name of the applicant;

(3) Description of the proposed use;

(4) Title of the hearing officer or hearing body;

(5) Date of the hearing;

(6) Time of the hearing;

(7) Location of the hearing;

(8) How further information may be obtained;

(9) Notices of pending applications for permits including Coastal Zone approval shall include a statement that the development is or is not appealable to the Coastal Commission, and the appeal process.

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(c) Alternative Noticing Procedure. If the number of persons or entities who would be notified in subsection (a) of this section is more than one thousand (1,000), or where a County initiated General Plan amendment affects the designation of a large area or number of parcels, or for public works projects initiated by public agencies which do not include rezonings, notice may be given by placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the proposed ordinance, policy or plan amendment, or project; or by including an insert with any generalized mailing sent by the County to property owners and residents affected by the proposal.

(d) Alternative Notice Procedure for Coastal Approvals. When a Development Permit includes only a Coastal Approval for a project pursuant to Chapter 13.20 of this Code, and when the number of persons or entities who would be notified in subsection (a)(3) of this section is more than two hundred (200), the County may give notice by:

(1) Increasing the posting requirement in subsection (a)(2) of this section to provide posting every one thousand (1,000) feet along an adjoining roadway; and

(2) Placing a display advertisement of at least one-eighth page in a newspaper having general circulation within the area affected by the project.

(e) Notice of Continuances. Any matter may be continued from time to time. The proposal need not be re-noticed if, at the time of the public hearing for the proposal, the matter is continued to a specific date. Otherwise, the continued matter shall be noticed in the same manner as the original hearing.

(f) Requests for Notice. The County shall send notice by first class mail to any person who has filed a written request with the Planning Department. Requests may be made for notices for all public hearings or for all public hearings relating to a certain application. Requests shall be accompanied by a fee set by the Board of Supervisors Resolution.

(g) Notice to Other Jurisdictions.

(1) Public agencies shall be notified of tentative map applications pursuant to Sections 14.01.305.1, 14.01.318, 14.01.319 and 14.01.320 of this Code.

(2) Public agencies shall be notified of public hearings on General Plan amendments pursuant to Section 13.01.080 of this Code.

(3) In the Coastal Zone, in addition to the Coastal Commission, public agencies shall be notified which, in the judgement of the Planning Director, have an interest in the project.

(h) Recipients of Notice of Final Action. On or before the fifth business day following the final action by the approving body, a notice of the decision, including findings for approval and conditions (if any) and appeal information and deadline shall be mailed to the following persons and agencies:

(1) The applicant;

(2) The owner of the subject parcel;

(3) All persons who have submitted a written request with a stamped addressed envelope for notification of the action on the specific permit;

(4) In the Coastal Zone, the Coastal Commission;

(5) Provide to the Board of Supervisors by delivery by the United States Postal Service, addressed to each Board Member at the County Governmental Center, or by delivery to each Board Member by County Government inter-departmental mail. (Ord. 758, 2/19/62; 1048, 2/1/65; 1704, 4/25/72; 2506, 11/22/77; 2800, 10/30/79; 2872, 3/4/80; 3604, 11/6/84; 3639, 3/26/85; 4044, 1/9/90; 4075, 7/24/90; 4244, 3/23/93; Ord. 4818 § 7, 3/7/06)

18.10.224 Notice of proposed development for Level IV through Level VII.

For all development that requires review at Levels IV through VII, the applicant shall install a sign or signs on each site of the proposed development in accordance with this section.

(a) Deadline for Placement. Any sign required by this chapter shall be placed no later than seven calendar days after the applicant for an approval for which a sign is required has been informed that the application will be determined to be complete when the sign is placed and placement is verified. The number of signs, size, and locations shall be approved in advance by the Planning Director. Sign specifications shall be provided by the Planning Department to the

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manufacturer of the sign for the applicant who will then install the sign. Verification shall occur when the County receives from the applicant a completed certificate attesting that the sign has been installed as required (including photographs).

(b) Location. Any sign required by this chapter shall be placed on the subject property so as to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. For proposed projects in public rights-of-way, signs shall be posted at one thousand (1,000) foot intervals along subject right(s)-of-way. Additional signs may be required that are visible from other public vantage points, such as for when a proposed project is located within a public park some distance from the vehicular accessway. Signs shall be located so as to not interfere with vehicular line of sight distance.

(c) Size, Material and Height Above Grade. Each sign shall be a minimum of two feet by two feet up to a maximum of two feet (vertical) by four feet (horizontal). Signs shall be constructed of recyclable coroplast material. Other material may be used with the approval of the Planning Director. The information required shall be painted, laminated, or otherwise rendered weatherproof and shall be legible at all times. No sign required by this chapter shall exceed seven feet above grade, except where necessary to be clearly seen and readily readable from each right-of-way providing primary vehicular access to the subject property. Lettering shall as follows:

(1) Letter style: Arial or similar standard typeface;

(2) Letter size:

(A) Two-inch bold capital letter for the header:

NOTICE OF PROPOSED DEVELOPMENT

(B) One-inch bold capital letters for the project description,

(C) One-inch upper and lower case for all other letters,

(D) One-inch bold capital letters for the footer contact information with the applicant information on the left side and the County information on the right side:

FOR FURTHER INFORMATION CONTACT:

Applicant:	**Project planner:**
Applicant's name	Planner's name
Applicant's phone number	Planner's phone number
Applicant's e-mail address	Planner's e-mail address

(3) Letter color shall be black;

(4) Background color shall be white.

(d) Information Required. Each sign shall include only the following factual information and shall be printed with legible black lettering on a white background:

(1) Header;

(2) Application number;

(3) Description of proposed development on the site, including type of project, proposed use, number of units/lots, types of applications being processed and a description of each;

(4) Footer with applicant's name, address, phone number, and e-mail address if applicable, on the left side and the project planner's name, address, phone number, and e-mail address on the right side;

(5) Staff may require additional specific information be included in order to provide a useful notice.

(e) The following modifications to a submitted application will require new noticing including new sign text:

(1) A change that results in an increase of twenty (20) percent or more in height, floor area ratio, or lot coverage;

(2) A change that necessitates a variance;

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(3) A change that results in an increase in the number of lots or dwelling units;

(4) A change that results in an intensification of use, as defined in County Code Section 13.10.700-I.

(f) Deadline for Sign Removal. Each sign shall be removed within ten (10) calendar days after the expiration of the final appeal period or the date on which a final appeal decision is effective. The applicant shall provide the project planner a completed, signed affidavit attesting that the sign has been removed in the time period allowed.

(g) Failure to Provide Affidavit and/or Remove Sign. If the applicant fails to return the affidavit or if the sign is not removed within the time allowed, then the Planning Director shall record a notice of violation against the property. Additionally, no inspection signoff may occur nor shall any building permit be approved before removal of the sign and correction of the violation. (Ord. 4818 § 8, 3/7/06)

13.20.050 Projects requiring coastal zone approval.

Any person, partnership, corporation, state or local government agency wishing to undertake any development as defined above (13.20.040) in the Coastal Zone shall obtain a Coastal Zone Approval in accordance with the provisions of this Chapter, except as provided in Sections 13.20.060 and 13.20.070. The Coastal Zone Approval shall be in addition to any other approval or permit required by law and shall be obtained prior to commencement of the development activity. Provision for challenges to determination of the Coastal Zone Approval requirement is contained in Section 13.20.085. (Ord. 3326, 11/23/82; 3435, 8/23/83; 4346, 12/13/94)

13.10.120 Purpose.

The purposes of this chapter are:

(a) To implement the General Plan and Local Coastal Program Land Use Plan by providing specific regulations as to the allowable uses of land and structures;

(b) To promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare;

(c) To protect the character, stability, and satisfactory interrelationships of residential, commercial, industrial, agricultural, recreational, and open space areas of the County;

(d) To protect the natural environment in compliance with the California Environmental Quality Act. (Ord. 2824, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

We feel that the Coastal Permit 09-9142 should not be amended to allow for any increase in floor space for the home or the deck. And, approval of Condition IV C should not be deleted. The applicant should not be allowed to carry forward any approval from 2007 as that is no longer valid and cannot be used for any reason. Furthermore, rules and regulations have changed since the original application from 2007 and all variances should be denied.

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Issue #7 Coastal Commission Appeal 10-0080
Regarding: Fire Safety

For our protection, due to a variance in the setback of the Ingrams' east side property reducing the setback from five (5) feet to two (2) feet, as well as the increase in property size by more than 10%, we would like the enforcement of a sprinkler system. Please refer to the General Plan Local Coastal Program 6.5, 6.5.11 Program (p), and Fire Code 7.92.903.2.1 and 7.92.903.2.2.

> **903.2.1 New Structures.** An automatic fire sprinkler system shall be provided in all new occupancies as defined in Chapter 3 of the California Building Code, regardless of type of construction and/or floor area, unless otherwise pre-empted by the California Health and Safety Code. Any occupancy not specifically mentioned shall be included in the group that it most nearly resembles based on the proposed life and fire hazard.

> **903.2.2 Existing Structures.** An automatic sprinkler system shall be provided in existing structures when, after the effective date of this code, a building permit is issued to allow additions to be made to existing structures which either:
>
> 1. Are already six thousand (6,000) square feet or greater in total floor area; or
>
> 2. Will increase the total floor area of a structure by 10% or more;

7.92.903.3.1.3 Section 903.3.1.3 is amended-NFPA 13D sprinkler systems.
Section 903.3.1.3 of Chapter 9 of the Fire Code of Santa Cruz County is amended to read as follows:

> **903.3.1.3 NFPA 13D sprinkler systems.** Where allowed, automatic sprinkler systems installed in one and two-family dwellings shall be installed throughout in accordance with NFPA 13D, and installation guidelines as promulgated by the Santa Cruz County Fire Chiefs Association.

With only a 2 foot property line setback, the project is also required to comply with fire code requirements that require a one hour fire wall along the east portion of their building. This is to ensure the safety of the adjacent residents, us.

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The fire separation distance from the property line for single family dwellings and duplexes will be increased from three feet to five feet. This means construction closer than five feet will require fire resistive wall construction. This should not impact our community significantly because zoning rules has required a minimum of five feet distance to property lines for a long time.

- The adoption of the California Fire Code is also effective January 1, 2008. Local amendments include criteria for adding fire sprinklers in existing homes when room additions greater than 500 sq/ft increase the size of your home by more than 50%.

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Issue #8 Coastal Commission Appeal 10-0080
Regarding: Building Design

The new application # 0070232M dated 1/21/2010 is not properly proportioned to the parcel (8.6 and 8.6.1 of the General Plan, 13.10.130, 13.11.073 as well as the Pleasure Point Community Plan). The unauthorized, already built 2nd story addition is not utilizing scale appropriately. The Floor Area Ratio exceeds the 50% maximum. They are also in violation of development standards according to 13.10.277)

8.6 Building Design

To encourage building design that addresses the neighborhood and community context: utilizes scale appropriate to adjacent development; and incorporates design elements that are appropriate to surrounding uses and the type of land use planned for the area.

8.6.1 Maintaining a Relationship Between Structure and Parcel Sizes

Recognize the potential for significant impacts to community character from residential structures which are not well proportioned to the site: and require residential structures to have a direct relationship to the parcel size as per the Residential, Site, and Development Standards ordinance.

13.10.130 Scope.

Pursuant to California Government Code Section 65850, this chapter contains provisions to:

(a) Regulate the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes.

(b) Regulate signs and billboards.

(c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

(d) Establish requirements of off-street parking and loading.

(e) Establish and maintain building setback lines.

(Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.11.073 Building design.

(a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.

Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.

(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

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(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:

(A) Massing of building form.
(B) Building silhouette.
(C) Spacing between buildings.
(D) Street face setbacks.
(E) Character of architecture.
(F) Building scale.
(G) Proportion and composition of projections and recesses, doors and windows, and other features.
(H) Location and treatment of entryways.
(I) Finish material, texture and color.

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

(c) It shall be an objective of building design to address scale on the appropriate levels (Scale is defined in Section 13.11.030(v)).

(d) It shall be an objective of building design to use design elements to create a sense of human scale, and pedestrian interest.

Building Articulation.

(1) Variation in wall plane, roof line, detailing, materials and siting are techniques which can be used to create interest in buildings, where appropriate. Roof and wall plane variations including building projections, bay windows, and balconies are recommended to reduce scale and bulk.

(2) All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. The provision of projections and recesses, windows, doors and entries, color and texture, are methods of articulating facades.

(e) It shall be an objective of building design to locate and screen mechanical equipment, and other accessory uses, so as to reduce impacts on primary building uses and on adjacent properties.

Rooftop Equipment.

(1) All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.

(2) Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.

(f) It shall be an objective of building signage to relate to the building design.

(1) Building Signage. Signage attached to buildings shall relate to the building design by being an integral part of that design or by use of compatible materials and colors.

(g) It shall be an objective of building design to promote energy conservation and to reduce the impacts of environmental influences.

(1) Noise. Where noise will impact the building users, the building design shall incorporate buffering to reduce the interior sound levels.

(2) Solar Design.

(i) Buildings shall be designed so that solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

(ii) Wherever lot size and setbacks permit, the building walls with major window areas shall be appropriately oriented for passive solar heating and cooling, and natural lighting. Building layout should encourage energy conservation.

(3) Recycling.

(i) Encourage recycling areas or storage systems within all commercial, industrial, institutional and residential structures for use by the building occupants.

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Recommended storage space and design concepts can be found in the Santa Cruz County Recycling Design Criteria.

13.10.277 Violations of development standards.

(a) Yard Setback Requirements. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for any construction of structures within the yard setback areas required by the regulations of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction.

(b) Height Limitations. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for construction of a structure of a height in excess of the maximum height limitation of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction.

(c) Lot Coverage Limitations. It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor for construction of a structure which exceeds the maximum percentage of lot coverage of the zone district in which the site is located unless a Development Permit has been obtained and is in effect which authorizes a variance for such construction. (Ord. 3451-A, 8/23/83)

Further, because Condition IV C was placed upon Coastal Permit # 09-0142 on 8/13/2009 In order for the Building Permit # 00152272 to be issued, the illegal 2nd story addition needs to go through an entire new design review. (13.11.040) Also, they are out of compliance with the approved Coastal Permit #09-0142 from 8/13/2009. (13.11.060) They have built a nonpermitted structure without following the proper procedures. (13.11.050)

13.11.040 Projects requiring design review.

Design review shall be required for the following private and public activities for which a development, coastal or land division permit approval is required by the County of Santa Cruz:

(a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

(b) Residential development of three (3) or more units.

(c) New single family residences or remodels of 7,000 square feet or larger as regulated by Section 13.10.325.

(d) All minor land divisions, as defined in Chapter 14.01, occurring within the Urban Services Line or Rural Services Line, as defined in Chapter 17.02; all minor land divisions located outside of the Urban Services Line and the Rural Services Line, which affect sensitive sites; and, all land divisions of 5 parcels (lots) or more. For all subdivisions where actual construction of homes is not part of the application, design guidelines for development shall be required as part of the application submittal package. For all subdivisions where actual construction of homes is part of the application, both design guidelines and prototypical house and landscape design plans shall be required as part of the application submittal package, or design guidelines for future home construction. Any major revisions to approved construction prototypes or design guidelines shall be processed pursuant to Section 18.10.134 and shall be subject to the Design Review process.

(e) All commercial remodels or new commercial construction.

(f) All industrial remodels or new industrial construction.

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(g) All institutional remodels or new institutional construction.

(h) All County projects, including, but not limited to, public buildings, park and open spaces, streets and streetscapes.

(i) Except for large dwellings as defined in this Chapter, all agriculturally-related uses and structures proposed in the A, AP, CA, TP or RA zoning districts are exempt from the standards and guidelines contained herein.

(j) Design review requirements may be waived if the Planning Director, or his/her designee, certifies that the nature of the project is minor or incidental in respect to the purpose of design review as defined in this Chapter. Conversely, design review requirements may be imposed on a project if the Planning Director, or his/her designee, certifies that the nature of the project is significant in respect to the purpose of design review as defined in this Chapter.

(k) The landscape water conservation requirements set forth in Section 13.11.075(c) apply only to the common landscape areas of land divisions and of residential developments of three or more units; to commercial, industrial or institutional construction or remodels 2,000 square feet in size or larger; and to all County projects including, but not limited to, public buildings, parks and open spaces, streets and streetscapes. (Ord. 4406, 2/27/96; 4416, 6/11/96; 4496-C, 8/6/98)

13.11.050 Procedure for design review.

Design review is required of all projects as specified in the provisions of this Chapter and shall occur during development permit review and shall be completed prior to public hearing or approval of a development permit. Design review shall occur as follows:

(a) An initial evaluation, to determine consistency of the proposed development project with this Chapter, shall occur during the first 30 day completeness review and/or during development review group evaluation, if applicable. Any redesign required by design review can be coordinated with any redesign that may be required as a result of the completeness review of other departments or agencies.

(b) A second evaluation, to determine consistency of the proposed development project with this Chapter, if necessary, shall occur following a submittal of revised plans.

(c) In the event that an EIR is required, a third evaluation, to determine consistency of the proposed development project with this Chapter, shall occur following any redesign necessitated by any required development mitigation measures.

13.11.060 Compliance with approved site plan, architecture, and landscape architecture requirements, maintenance and enforcement.

(a) Compliance. All required improvements on the approved building permit application package shall be installed or, in some cases, secured, as shown on the plans prior to issuance of a certificate of occupancy.

(b) Maintenance. All required improvements on the approved building permit application package shall be permanently maintained as approved and installed.

(c) Violation. Failure to comply with this Chapter is a violation of the County of Santa Cruz Zoning Ordinance.

(d) Enforcement. Any violation of this Chapter, including failure to comply with additional approved conditions and/or agreements between the County and the permittee for the development and maintenance of the project improvements, is enforceable under the provisions of Section 13.10.280 and Chapter 1.12 of the Santa Cruz County Code. Enforcement may include, without limitation, permit review, permit amendment, permit revocation, or enforcement of a landscape maintenance agreement and other actions authorized under Chapter 1.12 of the County Code.

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Issue #9 Regarding: **Coastal Commission Appeal 10-0080 Site Design: Protection of Light, Solar Opportunities, Air and Open Space**

The application # 0070232M for a change order to Coastal Permit #09-0142 / Building Permit # 00152272 dated 1/21/2010 which calls for the addition of a 508 square foot second story and a 125 square foot deck has a direct adverse affect on my property. The 23 + foot structure as well as the close proximity (2 feet) to the property line has a detrimental environmental impact on my home. This has caused a significant effect on my home with respect to light, air and any solar opportunities. I have floor to ceiling windows on the west side of my home and due to the non-permitted 2nd story addition, I no longer can even see the sky. My residence is completely shaded and void of any sunlight especially since there are no windows on the east side of my home. (8.1.3 of the General Plan, 13.10.130, 13.10.261 (e) (6) (iv), 13.11.072, and 13.11.073 (g) (2) (I))

8.1.3 Residential Site and Development Standards Ordinance

Maintain a residential site and development standards ordinance for the purpose of protecting light, solar opportunities, air and open space for public and private properties: and require all residential projects to comply with the standards of maximum structural height, maximum number of stories, minimum structural setbacks, maximum ratios of building floor area to parcel size, and other criteria therein.

13.10.130 Scope.

Pursuant to California Government Code Section 65850, this chapter contains provisions to:

(a) Regulate the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes.

(b) Regulate signs and billboards.

(c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

(d) Establish requirements of off-street parking and loading.

(e) Establish and maintain building setback lines.

(Ord. 2823, 12/4/79; 3186, 1/12/82; 3344, 11/23/82; 3432, 8/23/83)

13.10.261 Residential nonconforming uses.

(a) Single-Family Dwelling Regulations.

1. A dwelling located on a parcel whose general plan designation prohibits primary residential use and is not part of a permitted mixed use development shall be deemed significantly nonconforming and limited to the improvements and restrictions provided in Section 13.10.261 Table 1.

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2. A dwelling located on a parcel with Commercial or Industrial zoning and a Residential general plan designation shall be deemed nonconforming and subject to the restrictions provided in Section 13.10.261 Table 1.

3. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the following method shall be used:

The percentage of damage or destruction of the total length of the exterior walls (exclusive of the foundation or roof) that occurred and the percentage of the exterior walls (exclusive of the foundation or roof) that will be required to be moved, replaced or altered in any way to restore the structure, except that the replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be counted in this calculation. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the portions of the structure which the plans shows as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

(b) Accessory Structure Regulations. The following regulations shall apply to both habitable and non-habitable accessory structures as defined in Sections 13.10.700-H and 13.10.700-N:

1. An accessory structure located on a parcel whose general plan designation prohibits primary residential use and is not part of a permitted mixed use development shall be deemed significantly nonconforming and limited to the improvements and restrictions provided in Section 13.10.261 Table 2.

2. An accessory structure located on a parcel with Commercial or Industrial zoning and a Residential general plan designation shall be deemed nonconforming and subject to the restrictions as provided in Section 13.10.261 Table 2.

3. An accessory structure that does not meet the use standards of Section 13.10.611 shall be deemed nonconforming and subject to the restrictions provided in Section 13.10.261 Table 2.

Exception: An accessory structure that is a nonconforming use solely because of the existence of a toilet and/or waste drain lines larger than 1 1/2 inches in size may be repaired, structurally altered, or reconstructed with no physical expansion upon issuance of a building permit.

4. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the method outlined in Section 13.10.261(a)3 shall be used.

(c) Nonstructural Uses and Home Occupations Regulations.

1. Nonstructural uses and home occupations shall not be expanded.

2. Loss of nonconforming status occurs after a continuous six month cessation of use.

(d) Dwelling Groups Regulations.

1. Where two or more residential dwelling units exist on a parcel of land as nonconforming units because the zoning of the property no longer allows more than one dwelling unit, one of the units shall be deemed as conforming to the zone district. The owner may choose, one time only, which unit shall be considered as conforming. Accordingly, that unit may be repaired, structurally altered, enlarged, or reconstructed in accordance with the site and structural dimensions of the zone district in which the parcel is located. The other nonconforming units(s) shall be subject to the requirements of this Section.

2. Dwelling groups located on a parcel whose general plan designation prohibits primary residential use and are not part of a permitted mixed use shall be deemed a significantly nonconforming use and limited to the improvements and restrictions provided in Section 13.10.261 Table 3.

3. All other nonconforming dwelling groups shall be subject to the restrictions as provided in Section 13.10.261 Table 3.

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Exception: The foundation and/or roof line of dwelling units that are not significantly nonconforming may be physically expanded provided that the cubic habitable space of the structure(s) is not increased, the structural alterations are in accordance with the height and other applicable restrictions of this Chapter, and a Level IV Use Approval is obtained.

4. Except as provided in subsection (e) of this Section regarding reconstruction of dwelling groups after catastrophe, an application to reconstruct a nonconforming dwelling unit or units shall be denied if the Approving Body makes one or more of the following findings:

(i) That the reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; or

(ii) That the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.

5. Factors that the Approving Body shall take into consideration in making the findings referred to in subsection 4(i) or 4(ii) of this subsection include, but are not limited to, the following:

(i) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

(ii) The availability of off and on-street parking, both on the subject property and in the surrounding neighborhood; and

(iii) The adequacy of light, air and privacy on both the subject property and adjacent properties.

6. An application to reconstruct, restore or rebuild a nonconforming dwelling unit or units that has been denied pursuant to subsection 4. of the subsection may be resubmitted and approved if it is revised, including but not limited to reducing the size and/or number of units, such that the basis for making the findings for denial no longer apply.

(e) Reconstruction of Dwelling Groups after Catastrophe.

1. Notwithstanding any other provisions of the County Code (including, but not limited to subsections (g) and (h) of Section 13.10.265), whenever a multifamily dwelling is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, the multifamily dwelling may be reconstructed, restored, or rebuilt as a nonconforming use in accordance with this subsection (e) and with a Level V or VI approval in accordance with this subsection and Section 13.10.261 Table 3.

2. For purposes of this subsection, for dwelling groups that are significantly nonconforming, the term "multifamily dwelling" means a structure designed for human habitation that is divided into two or more independent living quarters. For dwelling groups that are nonconforming, the term "multifamily dwelling" means a structure designed for human habitation that is divided into two or more independent living quarters or a structure designed for human habitation located on site with other dwellings.

3. In determining the percentage of damage for the purposes of repair or reconstruction after fire, other catastrophic event, or the public enemy, the following method shall be used:

The percentage of damage or destruction of the total length of the exterior walls (exclusive of the foundation or roof) that occurred and the percentage of the exterior walls (exclusive of the foundation or roof) that will be required to be moved, replaced or altered in any way to restore the structure, except that the replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be counted in this calculation. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the portions of the structure which the plans shows as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

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4. Any reconstruction, restoration, or rebuilding undertaken pursuant to this subsection shall conform to all of the following:

(i) The California Building Standards Code as that code is in effect at the time of the reconstruction, restoration, or rebuilding;

(ii) Any more restrictive County building standards authorized pursuant to Sections 13869.7, 17958.7, 18941.5 of the Health and Safety Code and any successor provisions, as those standards are in effect at the time of reconstruction, restoration, or rebuilding.

(iii) The State Historical Building Code Part 2.7 (commencing with Section 18950 and any successor provisions) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures;

(iv) The County Zoning Ordinance, so long as the predamage size and number of dwelling units are not exceeded;

(v) State Architectural regulations and standards or County Code Chapter 13.11, so long as the predamage size and number of dwelling units are not exceeded; and

(vi) A building permit which shall be obtained within two years after the date of the damage or destruction and construction diligently pursued.

5. An application made pursuant to this subsection shall be denied if the Approving Body makes one or more of the following findings:

(i) That the reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvement in the neighborhood; or

(ii) That the existing nonconforming use of the building or structure would be more appropriately moved to a zone district in which the use is permitted; or

(iii) That the building is located in an industrial zone district.

6. Factors that the Approving Body shall take into consideration in making the findings referred to in subsection 5(i) or 5(ii) of this subsection include, but are not limited to, the following:

(i) Whether the multifamily residential use, as defined in subsection (e)2 of this subsection, is significantly nonconforming;

(ii) Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

(iii) The availability of off and on-street parking, both on the subject property and in the surrounding neighborhood; and

(iv) The adequacy of light, air and privacy on both the subject property and adjacent properties.

7. An application to reconstruct, restore or rebuild a multifamily dwelling to its predamaged size and number of dwelling units that has been denied pursuant to subsection 5. of this subsection may be resubmitted and approved if it is revised, including but not limited to reducing the size and/or number of units, such that the basis for making the findings for denial no longer apply.

8. This subsection shall not apply if, prior to the damage or destruction, the multifamily dwelling use had lost its nonconforming status due to cessation of use as shown in Section 13.10.261 Table 3. (Ord. 4525, 12/8/98). Note: Tables referenced in text are located on the next pages.

13.11.072 Site design.

(a) It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.

(1) Compatible Site Design.

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(i) The primary elements of site design which must be balanced and evaluated in relation to the proposed project site and surrounding development in order to create compatible development include:

(A) Location and type of access to the site.
(B) Building siting in terms of its location and orientation.
(C) Building bulk, massing and scale.
(D) Parking location and layout.
(E) Relationship to natural site features and environmental influences.
(F) Landscaping.
(G) Streetscape relationship.
(H) Street design and transit facilities.
(I) Relationship to existing structures.

(ii) Consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character.

(iii) Where the existing zoning allows the creation of new land use patterns, applicants are encouraged to provide an analysis of the surrounding neighborhood in support of their proposal for a new type of land use. The analysis would include one block on each side of the proposed site, on each side of the street. Supporting material may include the use of photographs, building elevations, or maps indicating the surrounding land uses, and a written analysis.

(iv) Transitions shall be provided between existing and new projects of different zoning, where appropriate.

(2) Coordinated Development.

(i) Coordinated site design (including shared parking and circulation systems, sign facilities, landscaped areas, and recycling and garbage storage and collection areas) shall be encouraged on adjacent parcels with similar uses. In such cases, mutual access easements granted to each property owner are necessary. Site plans which allow for future shared use between adjacent parcels are encouraged, where appropriate.

(ii) Clustered commercial use areas with shared facilities, rather than linear commercial use with separate facilities for each site, are encouraged.

(iii) Physical barriers (e.g., fences, curbs, or walls) between adjacent parcels with similar uses are discouraged unless needed for drainage, security, screening, or noise attenuation purposes.

(b) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.

(1) Natural Site Amenities and Features.

(i) The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate.

(ii) Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be retained or enhanced and incorporated into the site design and landscaping, where appropriate.

(iii) Buildings shall be sited and oriented in such a way as to take advantage of, or make connection to, the site amenities and features, where appropriate.

(iv) Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, and other structures. Ridgeline protection shall be insured by restricting the height and placement of buildings and providing landscape screening in order to prevent any projection above the ridgeline. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to insure that the proposed structure is low profile and visually screened.

(2) Views.

(i) Development shall protect the public viewshed, where possible.

(ii) Development should minimize the impact on private views from adjacent parcels, wherever practicable.

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(c) It shall be an objective of the site plan to incorporate safe and functional circulation, accessible to the disabled, pedestrians, bicycles and vehicles.

(d) It shall be an objective of the site plan to locate, buffer and screen accessory uses and utilities so as to reduce impacts on adjacent properties and on primary site uses.

(1) Accessory Uses.

(i) Accessory uses are defined as recycling and garbage storage and collection areas, exterior storage areas, service yards, loading docks, utility service areas and other non-primary uses.

(ii) Accessory uses which may be visible from public streets and adjacent properties shall be screened.

(iii) Acceptable methods of screening include wood fencing, masonry walls, dense hedges, landscape earth berms, or a combination of these devices. Chain-link fencing will usually not be acceptable.

(iv) Accessory uses shall be integrated into the site design, and grouped together into "service yards" where feasible, in order to minimize on-site and off-site impacts.

(v) Accessory uses shall not be located adjacent to residential properties unless such uses can be screened and buffered to prevent adverse impacts to the adjacent residential property.

(vi) Accessory buildings, walls, storage areas, and fences shall be architecturally consistent with the primary structures of the site and compatible with the surrounding area. Architectural consistency can be achieved by repeating building forms, materials, colors, or detailing.

(vii) Accessory uses shall be located and designed for ease of access by service vehicles and tenants, and in such a way as to minimize conflicts with circulation, parking, and other site uses.

(2) Utilities.

(i) New utility and service lines shall be installed underground, unless inappropriate.

(ii) Pad-mounted transformers (as part of the underground electrical service distribution system) shall not be located in the front setback or area visible from public view, unless they are completely screened by walls and/or thick landscaping, and shall not obstruct views of traffic from tenant spaces or driveways, or views to monument signs. Underground vaults may be located in the front setback area for aesthetic purposes.

(e) It shall be an objective of site design to provide for the separate storage and collection of all recyclable materials generated by the on-site uses.

(1) Recycling. The County of Santa Cruz Recycling Design Criteria on file in the Planning Department shall be consulted for all recycling area design guidelines.

(i) Commercial, industrial, institutional and multi- family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.

(ii) Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa Cruz Recycling Design Criteria.

(iii) Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.

(iv) Recycling storage areas should be adjacent to or within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.

(v) Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.

(vi) An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled as specified by the County of Santa Cruz Recycling Design Criteria.

(vii) The property owner is responsible for arranging with the collector/broker for regular pick up of material. Recyclable materials shall not be allowed to accumulate in such a manner that visual or public health nuisance is created.

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(viii) Security shall be provided to prevent theft of recyclable materials by unauthorized persons, however, the enclosure shall also be accessible for deposit of materials by authorized persons.

(f) It shall be an objective of site signage design to provide adequate, attractive identification and direction, consistent with the area and use.

Signage Design.

(1) All sign regulations shall be met according to Section 13.10.580 through 13.10.586, inclusive, of the Santa Cruz County Code.

(2) Freestanding signage shall be an integral part of the site or landscape design, or shall be similar to, or consistent with, the design of the proposed building(s).

(g) It shall be an objective of site design to promote energy conservation and to reduce the impacts of adverse environmental influences.

(1) Solar Design and Access.

(i) Buildings shall be designed and located so that off-site solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

(ii) Buildings shall be sited and designed so that solar access is reasonably protected for benefitting properties currently occupied by a building using a solar energy system.

(2) Noise.

(i) Reasonable protection for adjacent properties from noise may be achieved through site planning, building siting, building orientation, physical barriers such as masonry walls, landscaped earth berms, or setback/buffer areas.

(h) It shall be an objective of an open space design, whether landscape or hardscape, to relate to building and site design.

(1) Open Space Design.

(i) Activities in "protected use areas" shall be limited to those having minimal impacts, such as paths and benches. Where feasible, a path to and/or along the perimeter of the natural areas shall be provided.

(ii) All useable open space requirements for "RM" districts shall be satisfied according to Section 13.10.323(f) of the Santa Cruz County Code.

(i) It is an objective of residential site design, when permitted by zoning, to encourage cluster design for residential development in rural and protected use areas; for sites where natural amenities could be retained or enhanced; or where cluster design could be used to accommodate outdoor amenities for higher density development in urban areas.

(1) Cluster Design. Cluster site design is encouraged in the following areas, when permitted by zoning:

(i) Protected Use Areas. Protected use areas include: riparian corridors and buffer areas, beaches, floodways, lagoons, wetlands, marshes, fault areas, bluffs, ravines, areas with steep slopes or unstable soil conditions, timberlands, and sensitive wildlife habitat and biotic resource areas.

(ii) Amenities. On sites having natural amenities such as significant groups of trees or other areas of vegetation, wooded arroyos or other protected use areas, or with views to mountains or the Bay, the cluster design concept could be employed to incorporate these features into the site plan.

(iii) Urban Areas. On sites where medium to high density residential development is permitted by the zoning district, cluster design is encouraged to increase the potential for useable outdoor amenities.

(2) When the cluster concept issued, the units should be designed in a manner that incorporates light, air, space and privacy for the individual units while maintaining quality common open space. (Ord. 4496-C, 8/4/98)

13.11.073 Building design.

(a) It shall be an objective of building design that the basic architectural design principles of balance, harmony, order and unity prevail, while not excluding the opportunity for unique design.

Successful use of the basic design principles accommodates a full range of building designs, from unique or landmark buildings to background buildings.

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(b) It shall be an objective of building design to address the present and future neighborhood, community, and zoning district context.

(1) Compatible Building Design.

(i) Building design shall relate to adjacent development and the surrounding area.

(ii) Compatible relationships between adjacent buildings can be achieved by creating visual transitions between buildings; that is, by repeating certain elements of the building design or building siting that provide a visual link between adjacent buildings. One or more of the building elements listed below can combine to create an overall composition that achieves the appropriate level of compatibility:

(A) Massing of building form.
(B) Building silhouette.
(C) Spacing between buildings.
(D) Street face setbacks.
(E) Character of architecture.
(F) Building scale.
(G) Proportion and composition of projections and recesses, doors and windows, and other features.
(H) Location and treatment of entryways.
(I) Finish material, texture and color.

(2) Building design should be site and area specific. Franchise type architecture may not achieve an appropriate level of compatibility and is not encouraged.

(c) It shall be an objective of building design to address scale on the appropriate levels (Scale is defined in Section 13.11.030(v)).

(d) It shall be an objective of building design to use design elements to create a sense of human scale, and pedestrian interest.

Building Articulation.

(1) Variation in wall plane, roof line, detailing, materials and siting are techniques which can be used to create interest in buildings, where appropriate. Roof and wall plane variations including building projections, bay windows, and balconies are recommended to reduce scale and bulk.

(2) All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. The provision of projections and recesses, windows, doors and entries, color and texture, are methods of articulating facades.

(e) It shall be an objective of building design to locate and screen mechanical equipment, and other accessory uses, so as to reduce impacts on primary building uses and on adjacent properties.

Rooftop Equipment.

(1) All rooftop mechanical and electrical equipment shall be designed to be an integral part of the building design, and shall be screened.

(2) Utility equipment such as electrical and gas meters, electrical panels, and junction boxes shall not be located on exterior wall elevations facing streets unless screened from streets and building entries using architectural screens, walls, fences, and/or plant material.

(f) It shall be an objective of building signage to relate to the building design.

(1) Building Signage. Signage attached to buildings shall relate to the building design by being an integral part of that design or by use of compatible materials and colors.

(g) It shall be an objective of building design to promote energy conservation and to reduce the impacts of environmental influences.

(1) Noise. Where noise will impact the building users, the building design shall incorporate buffering to reduce the interior sound levels.

(2) Solar Design.

(i) Buildings shall be designed so that solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

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(ii) Wherever lot size and setbacks permit, the building walls with major window areas shall be appropriately oriented for passive solar heating and cooling, and natural lighting. Building layout should encourage energy conservation.

(3) Recycling.

(i) Encourage recycling areas or storage systems within all commercial, industrial, institutional and residential structures for use by the building occupants. Recommended storage space and design concepts can be found in the Santa Cruz County Recycling Design Criteria.

It has been brought to my attention that my ocean views are not protected, but according to 13.11.072 (b) (2) (ii), it states that "Development should minimize the impact on private views from adjacent parcels, wherever practicable."

When 7 Rockview Drive was in compliance under the 2009 Building Permit # 00152272, the impact to our property was minimized with respect to views, light, air, and privacy. Under their proposed change order of 1/21/2010, they have already built an additional 23 foot high 2nd story structure which now must have at the minimum an FAR variance for their non conforming structure. This unpermitted addition has a significant detrimental impact on our light, air, privacy and views.

13.11.072 Site design.

(a) It shall be the objective of new development to enhance or preserve the integrity of existing land use patterns or character where those exist and to be consistent with village plans, community plans and coastal special community plans as they become adopted, and to complement the scale of neighboring development where appropriate to the zoning district context. New development, where appropriate, shall be sited, designed and landscaped so as to be visually compatible and integrated with the character of surrounding areas.

(1) Compatible Site Design.

(i) The primary elements of site design which must be balanced and evaluated in relation to the proposed project site and surrounding development in order to create compatible development include:

(A) Location and type of access to the site.
(B) Building siting in terms of its location and orientation.
(C) Building bulk, massing and scale.
(D) Parking location and layout.
(E) Relationship to natural site features and environmental influences.
(F) Landscaping.
(G) Streetscape relationship.
(H) Street design and transit facilities.
(I) Relationship to existing structures.

(ii) Consideration of the surrounding zoning district, as well as the age and condition of the existing building stock, is important in determining when it is appropriate to continue existing land use patterns or character and when it is appropriate to foster a change in land use or neighborhood character.

(iii) Where the existing zoning allows the creation of new land use patterns, applicants are encouraged to provide an analysis of the surrounding neighborhood in support of

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their proposal for a new type of land use. The analysis would include one block on each side of the proposed site, on each side of the street. Supporting material may include the use of photographs, building elevations, or maps indicating the surrounding land uses, and a written analysis.

(iv) Transitions shall be provided between existing and new projects of different zoning, where appropriate.

(2) Coordinated Development.

(i) Coordinated site design (including shared parking and circulation systems, sign facilities, landscaped areas, and recycling and garbage storage and collection areas) shall be encouraged on adjacent parcels with similar uses. In such cases, mutual access easements granted to each property owner are necessary. Site plans which allow for future shared use between adjacent parcels are encouraged, where appropriate.

(ii) Clustered commercial use areas with shared facilities, rather than linear commercial use with separate facilities for each site, are encouraged.

(iii) Physical barriers (e.g., fences, curbs, or walls) between adjacent parcels with similar uses are discouraged unless needed for drainage, security, screening, or noise attenuation purposes.

(b) It shall be an objective to preserve or enhance natural site amenities and features unique to the site, and to incorporate these, to a reasonable extent, into the site design.

(1) Natural Site Amenities and Features.

(i) The site plan shall relate to surrounding topography, and significant natural vegetation of long-term quality shall be retained, where appropriate.

(ii) Existing mature trees, rock outcroppings, riparian corridors, natural site amenities and other features shall be retained or enhanced and incorporated into the site design and landscaping, where appropriate.

(iii) Buildings shall be sited and oriented in such a way as to take advantage of, or make connection to, the site amenities and features, where appropriate.

(iv) Hilltop and hillside development shall be integrated into the silhouette of the existing backdrop such as the terrain, landscaping, and other structures. Ridgeline protection shall be insured by restricting the height and placement of buildings and providing landscape screening in order to prevent any projection above the ridgeline. If there is no other building location on a property except a ridgeline, this circumstance shall be verified by the Planning Department with appropriate findings and mitigation measures to insure that the proposed structure is low profile and visually screened.

(2) Views.

(i) Development shall protect the public viewshed, where possible.

(ii) Development should minimize the impact on private views from adjacent parcels, wherever practicable.

(c) It shall be an objective of the site plan to incorporate safe and functional circulation, accessible to the disabled, pedestrians, bicycles and vehicles.

(d) It shall be an objective of the site plan to locate, buffer and screen accessory uses and utilities so as to reduce impacts on adjacent properties and on primary site uses.

(1) Accessory Uses.

(i) Accessory uses are defined as recycling and garbage storage and collection areas, exterior storage areas, service yards, loading docks, utility service areas and other non-primary uses.

(ii) Accessory uses which may be visible from public streets and adjacent properties shall be screened.

(iii) Acceptable methods of screening include wood fencing, masonry walls, dense hedges, landscape earth berms, or a combination of these devices. Chain-link fencing will usually not be acceptable.

(iv) Accessory uses shall be integrated into the site design, and grouped together into "service yards" where feasible, in order to minimize on-site and off-site impacts.

(v) Accessory uses shall not be located adjacent to residential properties unless such uses can be screened and buffered to prevent adverse impacts to the adjacent residential property.

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(vi) Accessory buildings, walls, storage areas, and fences shall be architecturally consistent with the primary structures of the site and compatible with the surrounding area. Architectural consistency can be achieved by repeating building forms, materials, colors, or detailing.

(vii) Accessory uses shall be located and designed for ease of access by service vehicles and tenants, and in such a way as to minimize conflicts with circulation, parking, and other site uses.

(2) Utilities.

(i) New utility and service lines shall be installed underground, unless inappropriate.

(ii) Pad-mounted transformers (as part of the underground electrical service distribution system) shall not be located in the front setback or area visible from public view, unless they are completely screened by walls and/or thick landscaping, and shall not obstruct views of traffic from tenant spaces or driveways, or views to monument signs. Underground vaults may be located in the front setback area for aesthetic purposes.

(e) It shall be an objective of site design to provide for the separate storage and collection of all recyclable materials generated by the on-site uses.

(1) Recycling. The County of Santa Cruz Recycling Design Criteria on file in the Planning Department shall be consulted for all recycling area design guidelines.

(i) Commercial, industrial, institutional and multi- family residential uses shall include areas for recycling storage and collection adequate in capacity, number and distribution to serve the development where the project occurs.

(ii) Access into the storage area shall be provided with adequate vertical and horizontal clearances for collection vehicles as specified by the County of Santa Cruz Recycling Design Criteria.

(iii) Provisions shall be made to protect the recyclable materials from weather by covering the storage area or by the use of covered receptacles.

(iv) Recycling storage areas should be adjacent to or within the same enclosures as the garbage area or at least as convenient as the location for garbage storage.

(v) Maximum distance for the storage area to be no greater than 250 feet from each living unit in a multifamily residential development.

(vi) An exterior sign with the international recycling logo shall be required, including the name and phone number of the responsible person and an interior sign for the types of materials to be recycled as specified by the County of Santa Cruz Recycling Design Criteria.

(vii) The property owner is responsible for arranging with the collector/broker for regular pick up of material. Recyclable materials shall not be allowed to accumulate in such a manner that visual or public health nuisance is created.

(viii) Security shall be provided to prevent theft of recyclable materials by unauthorized persons, however, the enclosure shall also be accessible for deposit of materials by authorized persons.

(f) It shall be an objective of site signage design to provide adequate, attractive identification and direction, consistent with the area and use.

Signage Design.

(1) All sign regulations shall be met according to Section 13.10.580 through 13.10.586, inclusive, of the Santa Cruz County Code.

(2) Freestanding signage shall be an integral part of the site or landscape design, or shall be similar to, or consistent with, the design of the proposed building(s).

(g) It shall be an objective of site design to promote energy conservation and to reduce the impacts of adverse environmental influences.

(1) Solar Design and Access.

(i) Buildings shall be designed and located so that off-site solar access is reasonably protected for the buildable lot area of adjacent, affected properties.

(ii) Buildings shall be sited and designed so that solar access is reasonably protected for benefitting properties currently occupied by a building using a solar energy system.

(2) Noise.

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(i) Reasonable protection for adjacent properties from noise may be achieved through site planning, building siting, building orientation, physical barriers such as masonry walls, landscaped earth berms, or setback/buffer areas.

(h) It shall be an objective of an open space design, whether landscape or hardscape, to relate to building and site design.

(1) Open Space Design.

(i) Activities in "protected use areas" shall be limited to those having minimal impacts, such as paths and benches. Where feasible, a path to and/or along the perimeter of the natural areas shall be provided.

(ii) All useable open space requirements for "RM" districts shall be satisfied according to Section 13.10.323(f) of the Santa Cruz County Code.

(i) It is an objective of residential site design, when permitted by zoning, to encourage cluster design for residential development in rural and protected use areas; for sites where natural amenities could be retained or enhanced; or where cluster design could be used to accommodate outdoor amenities for higher density development in urban areas.

(1) Cluster Design. Cluster site design is encouraged in the following areas, when permitted by zoning:

(i) Protected Use Areas. Protected use areas include: riparian corridors and buffer areas, beaches, floodways, lagoons, wetlands, marshes, fault areas, bluffs, ravines, areas with steep slopes or unstable soil conditions, timberlands, and sensitive wildlife habitat and biotic resource areas.

(ii) Amenities. On sites having natural amenities such as significant groups of trees or other areas of vegetation, wooded arroyos or other protected use areas, or with views to mountains or the Bay, the cluster design concept could be employed to incorporate these features into the site plan.

(iii) Urban Areas. On sites where medium to high density residential development is permitted by the zoning district, cluster design is encouraged to increase the potential for useable outdoor amenities.

(2) When the cluster concept issued, the units should be designed in a manner that incorporates light, air, space and privacy for the individual units while maintaining quality common open space. (Ord. 4496-C, 8/4/98)

Since this change order has not been granted and is technically a new application, it will likely fall under the Pleasure Point Community Plan which will also denotes parcels subject to special residential design standards and guidelines specific to the Pleasure Point neighborhood. This plan would "reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses". (13.10.444 (a))

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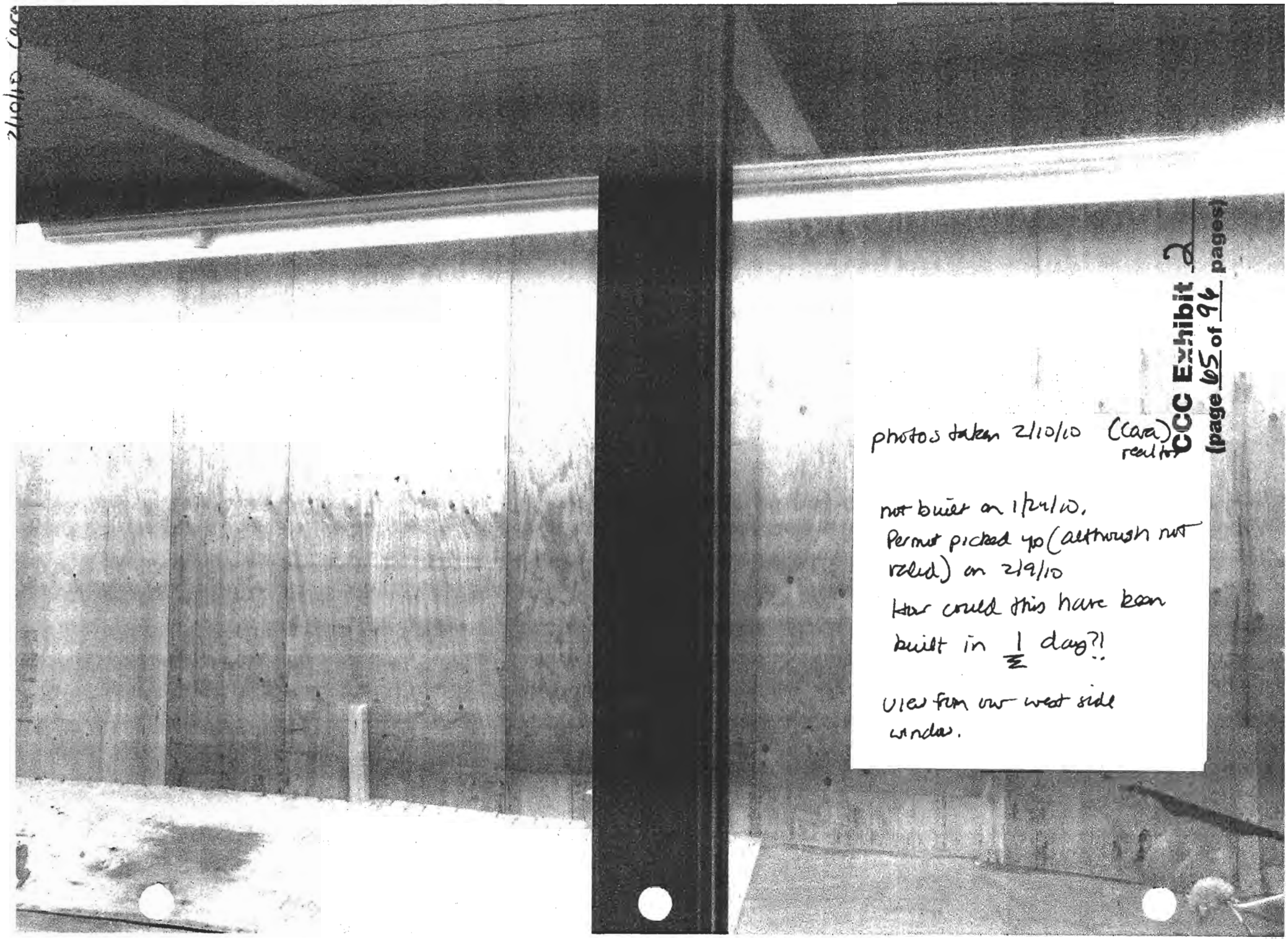
2/10/10 Cara



photos taken 2/10/10 (Cara) realtor

not built on 1/24/10.
Permit picked up (although not valid) on 2/9/10
How could this have been built in 1 day?!

View from our west side window.

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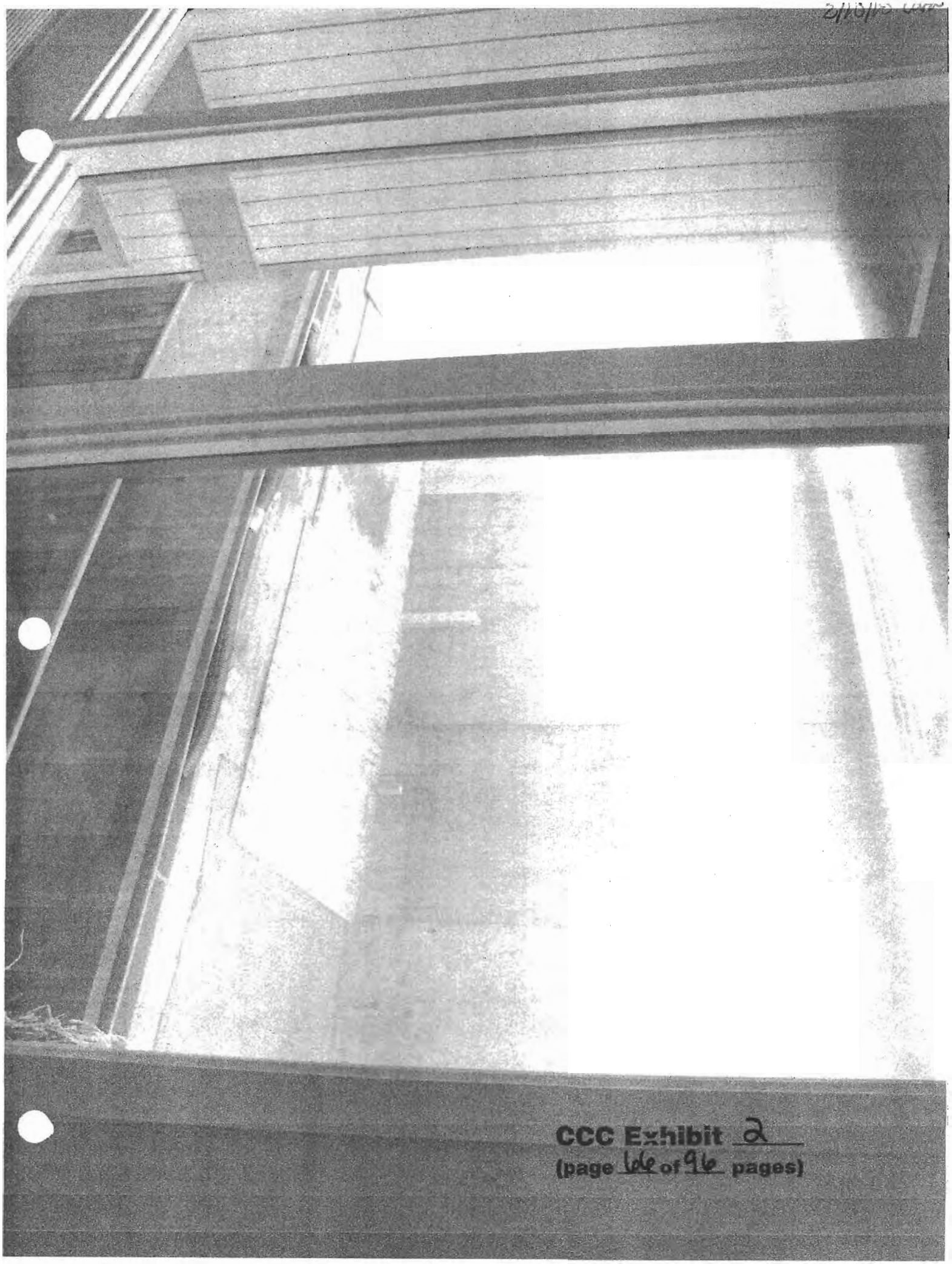

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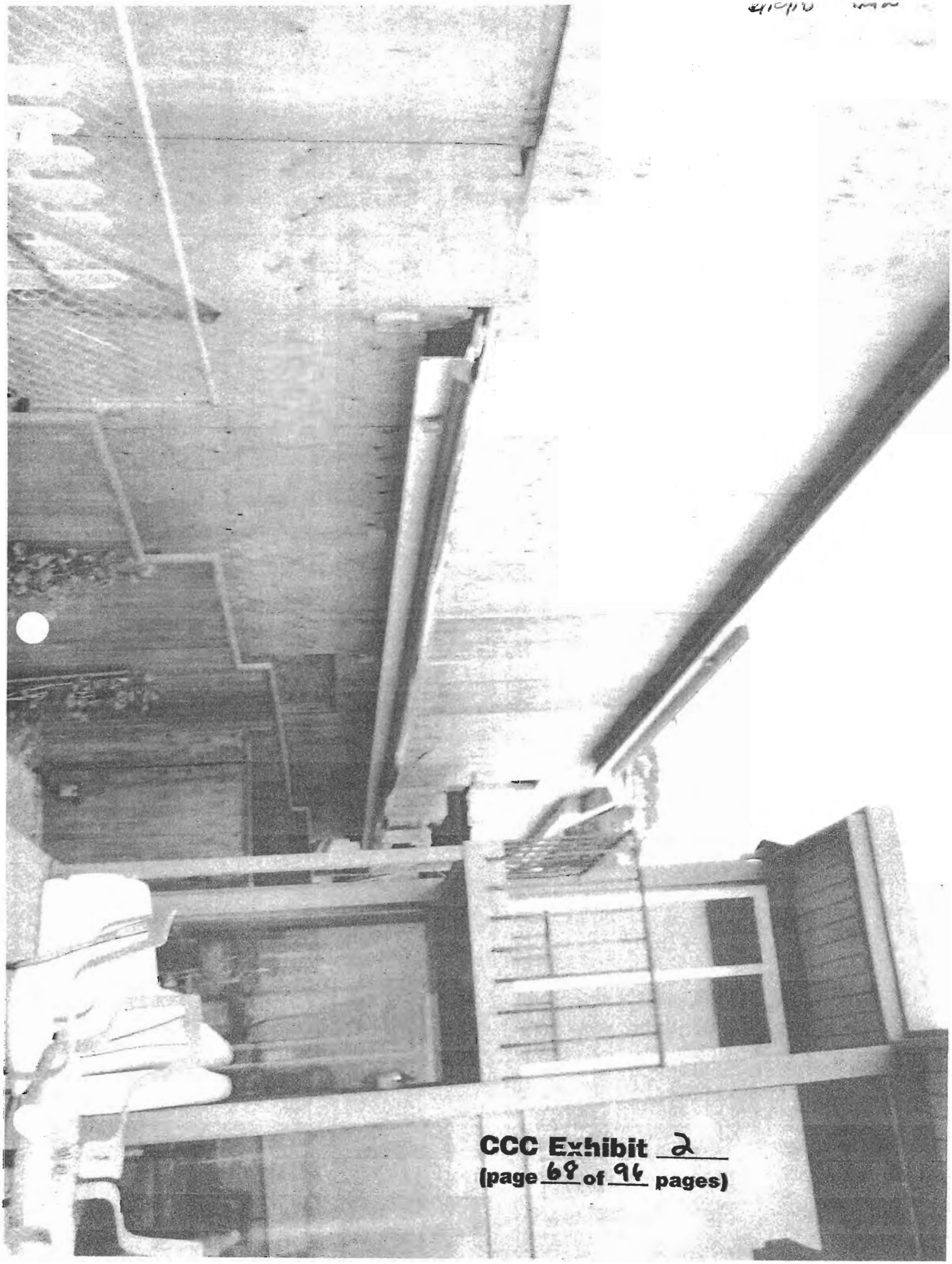

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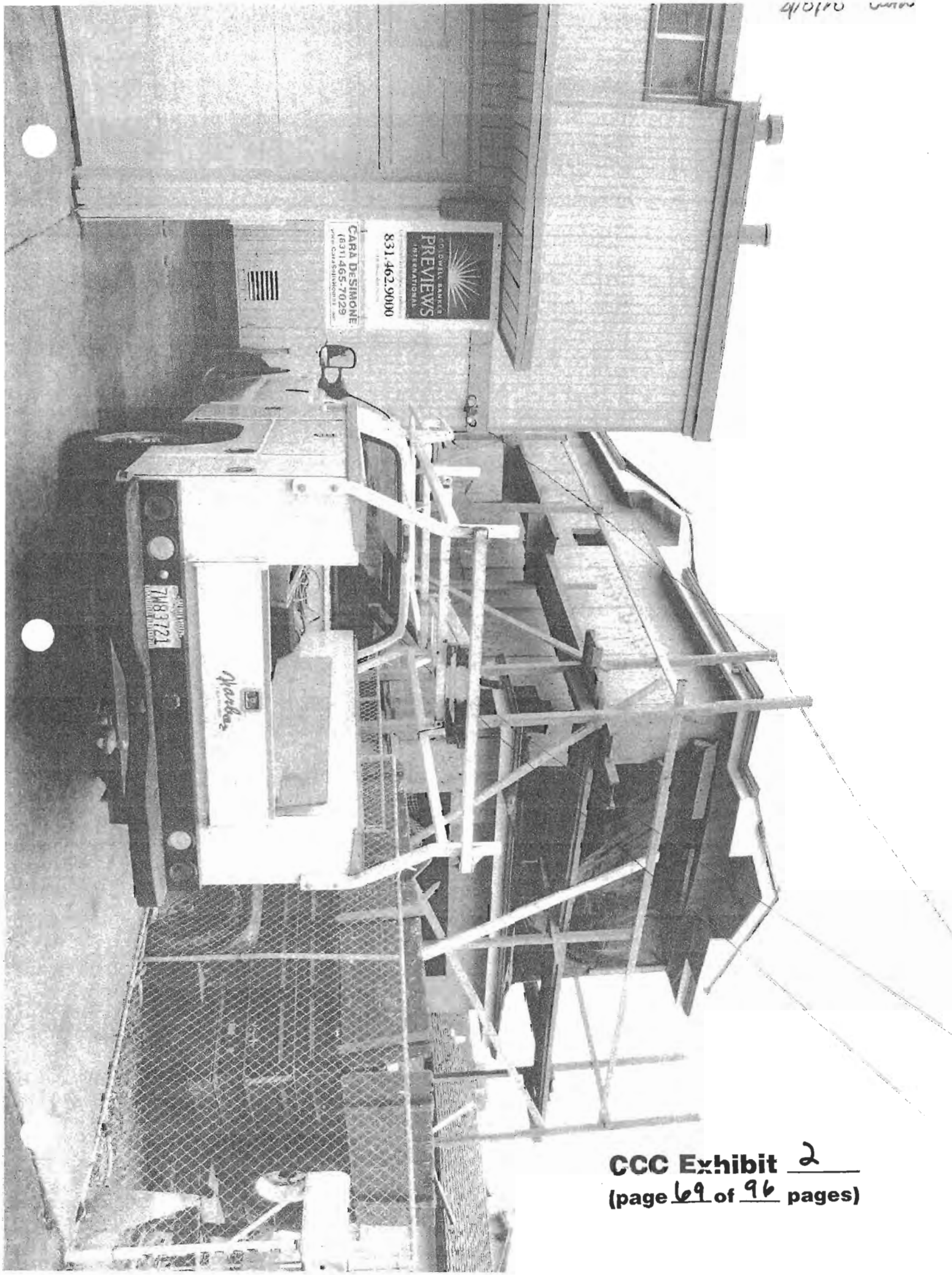

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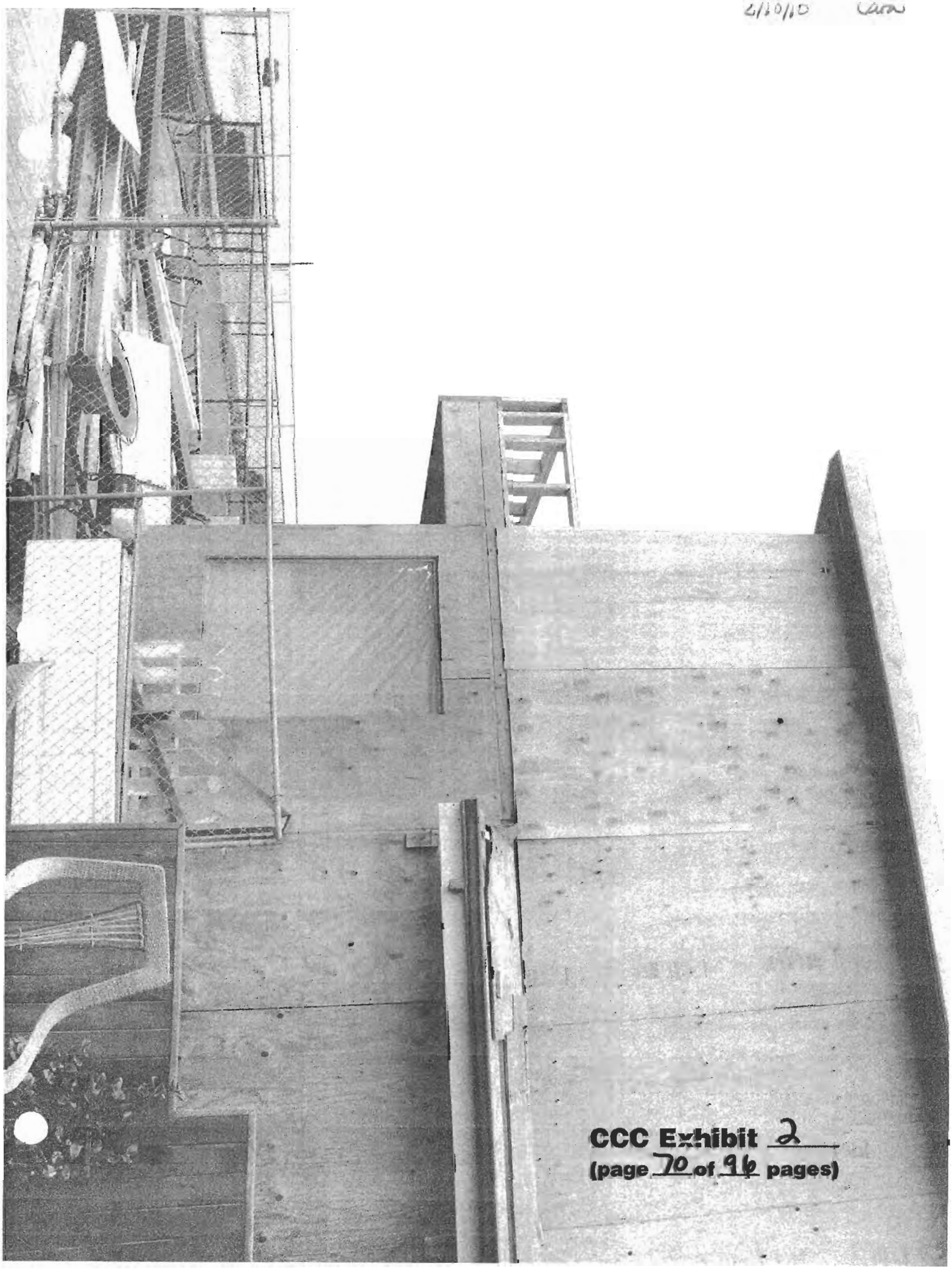
2/10/10



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2/10/10 Capra

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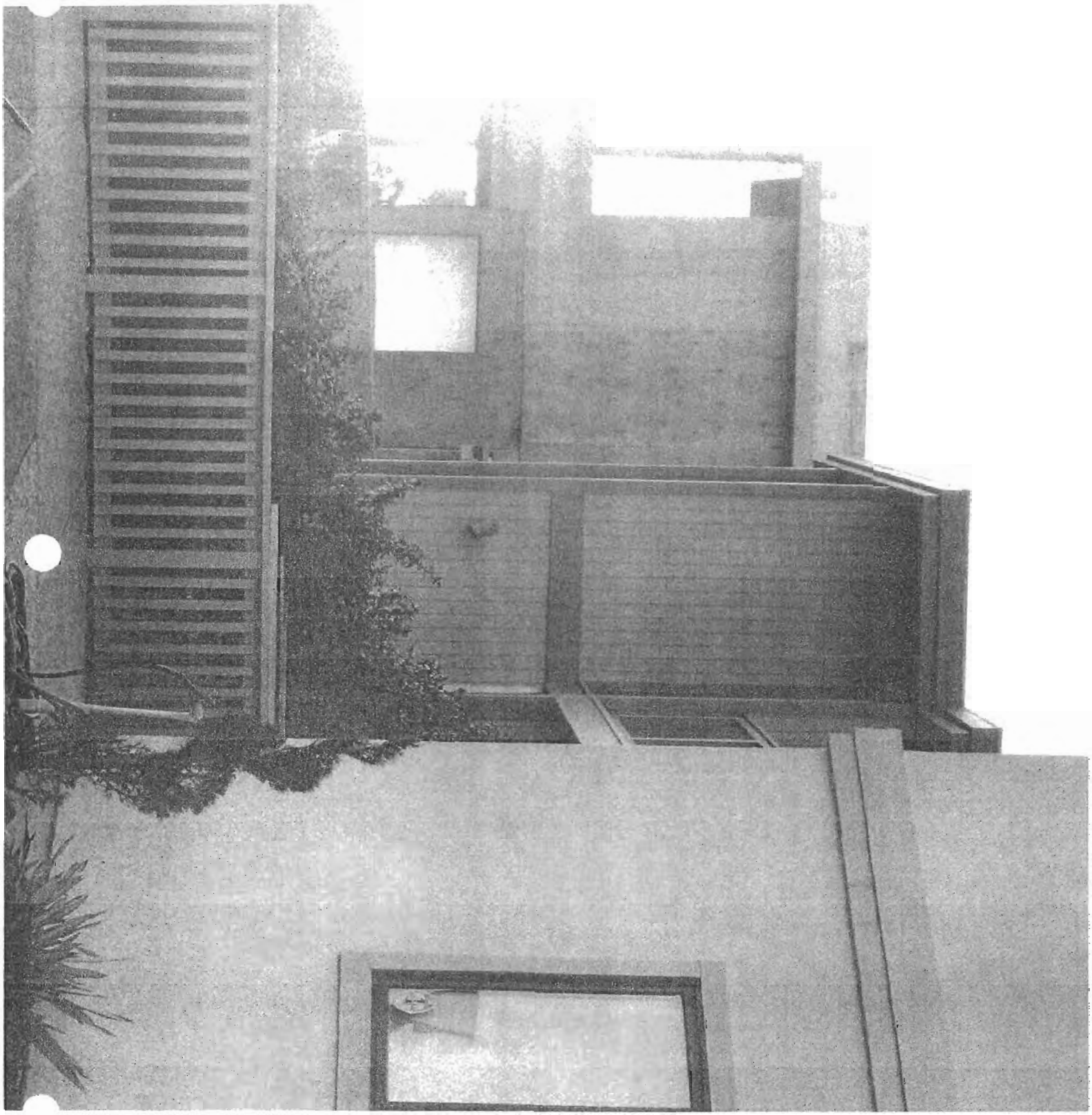
2/10/10 Don



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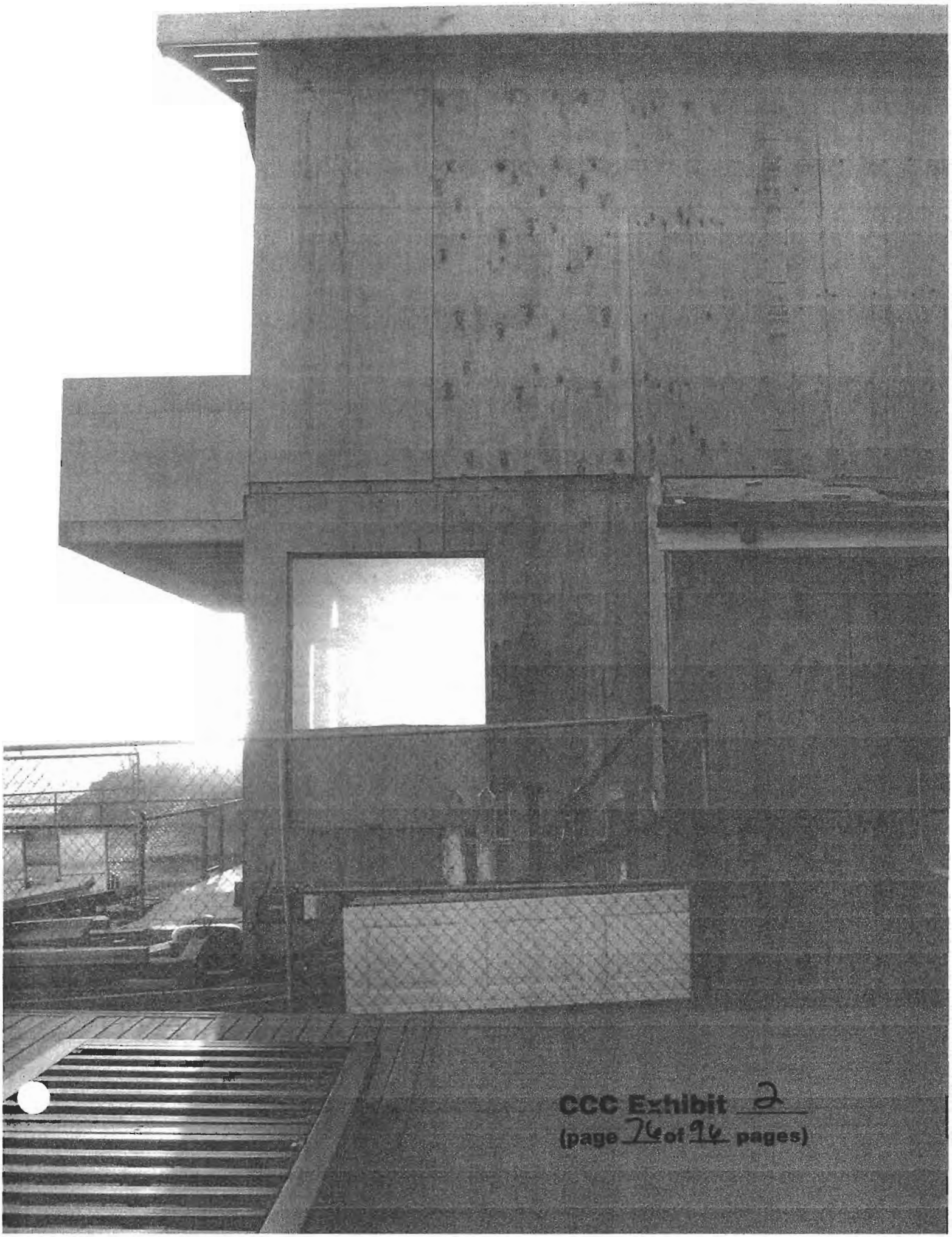

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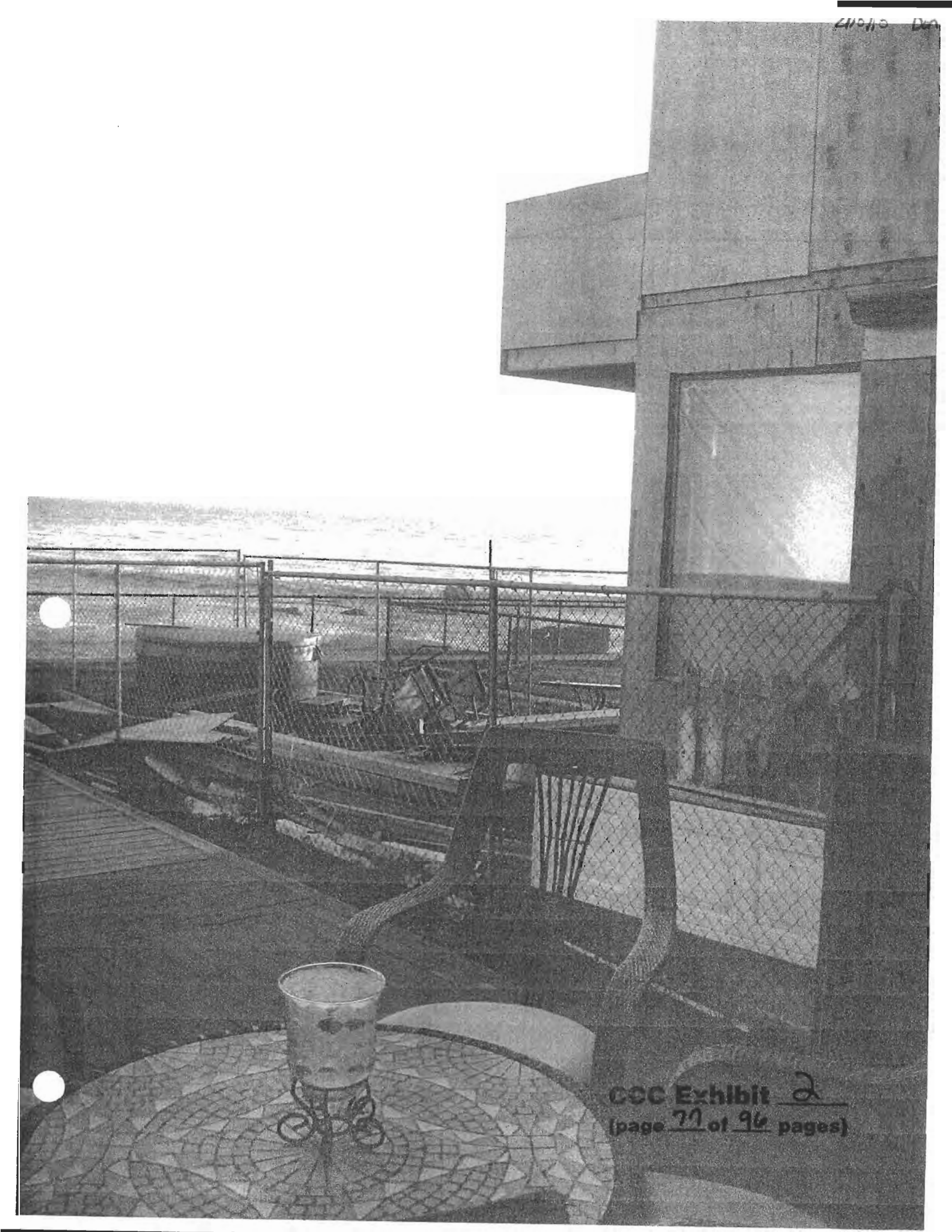

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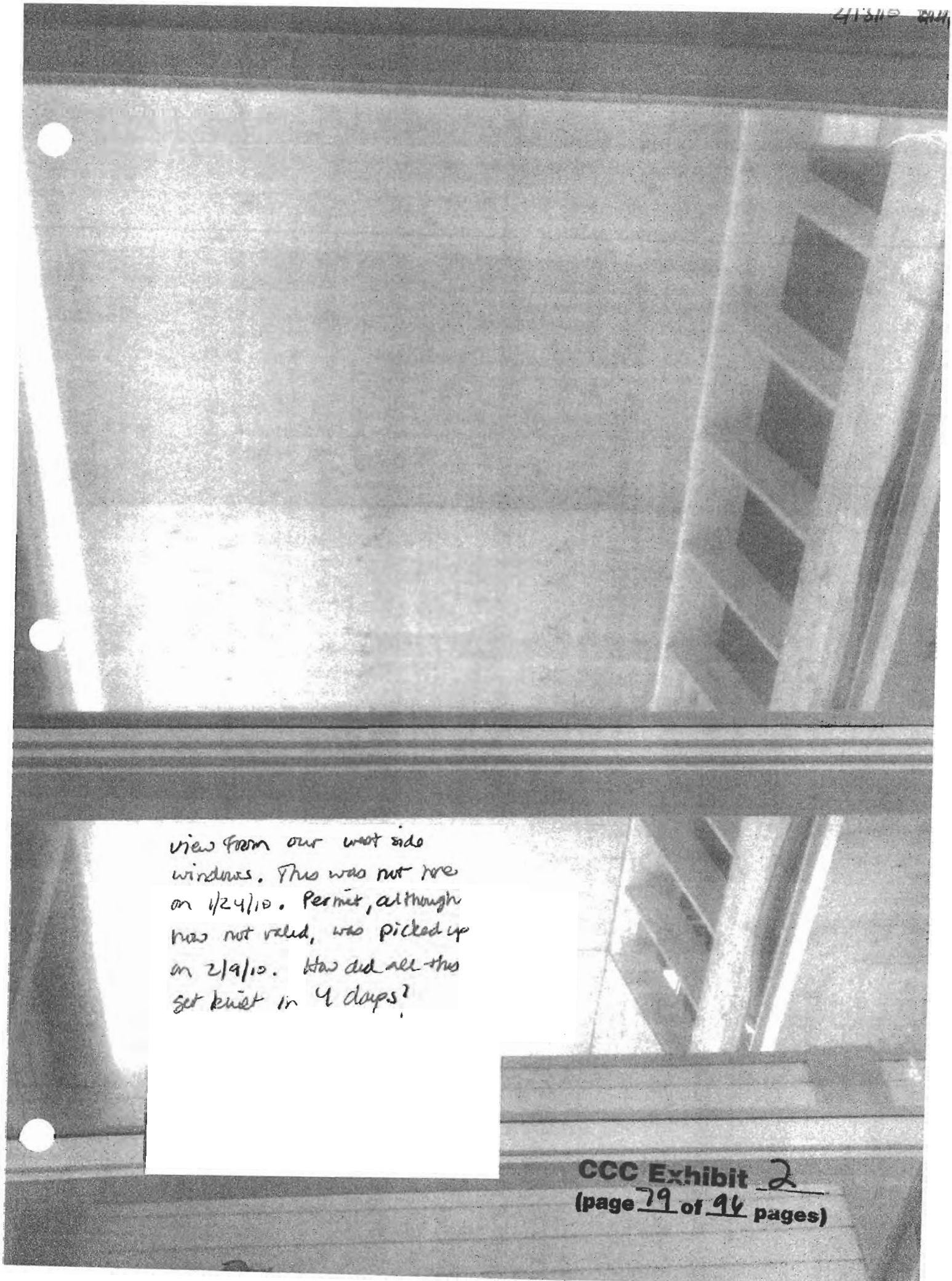
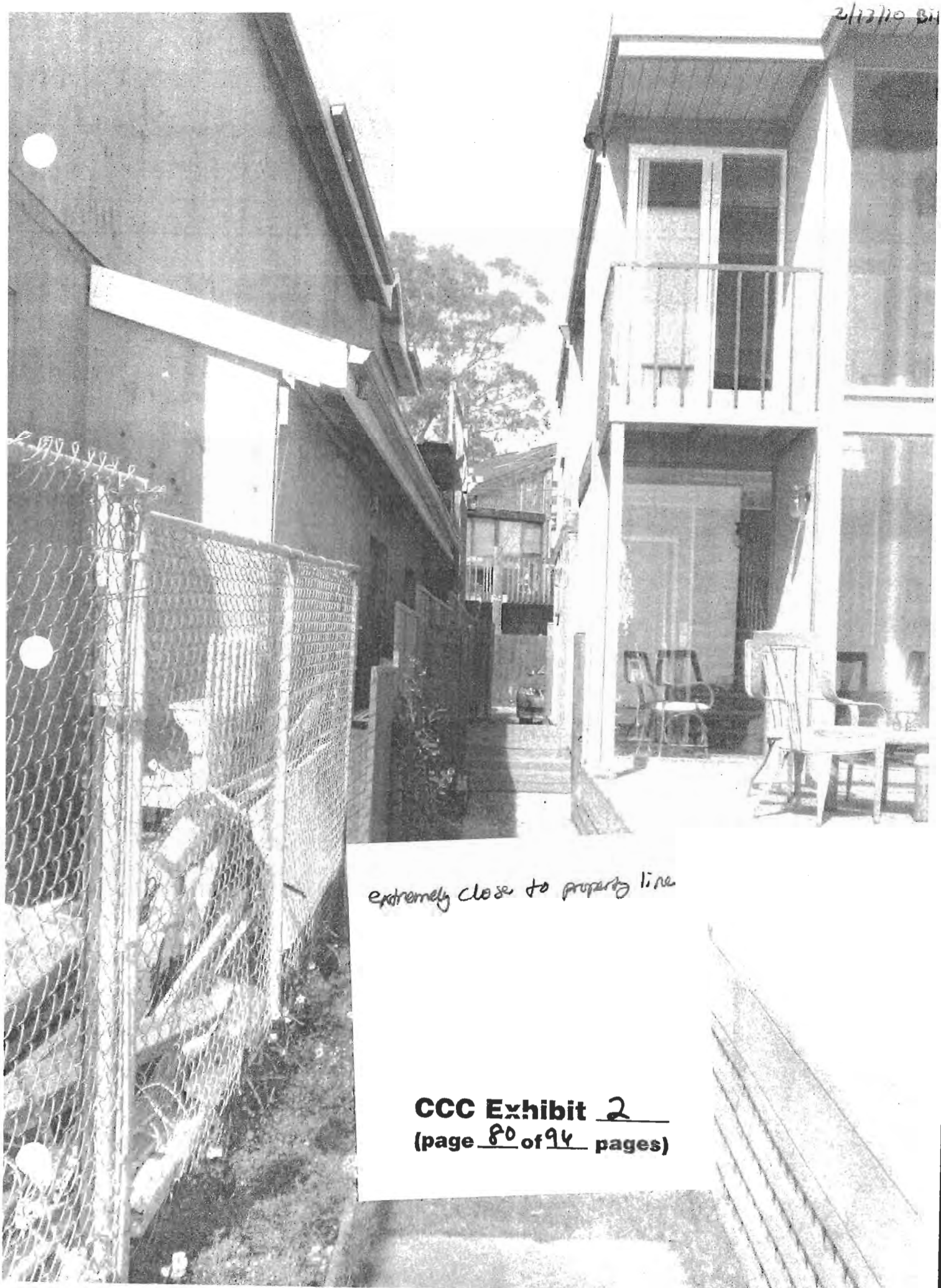


view from our west side windows. This was not here on 1/24/10. Permit, although was not valid, was picked up on 2/9/10. How did all this get built in 4 days?

2/13/10 BH



extremely close to property line

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2/13/10 BW

photos from 2/13/10 (Billy)

as you can see entire structure burnt.

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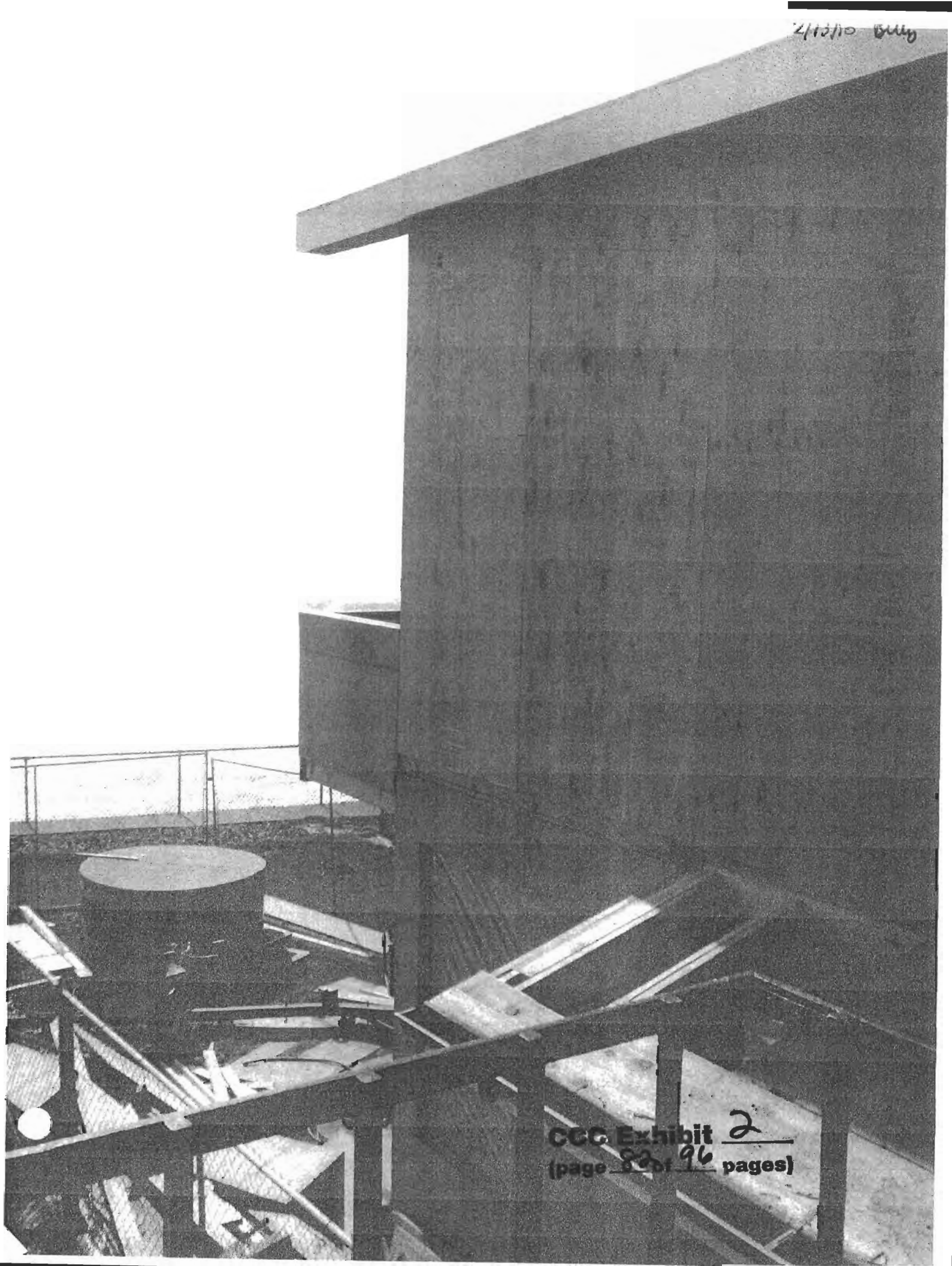

2/13/10 Billy

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CCC Exhibit 2
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4/13/10 Dana

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2/13/10 Billy

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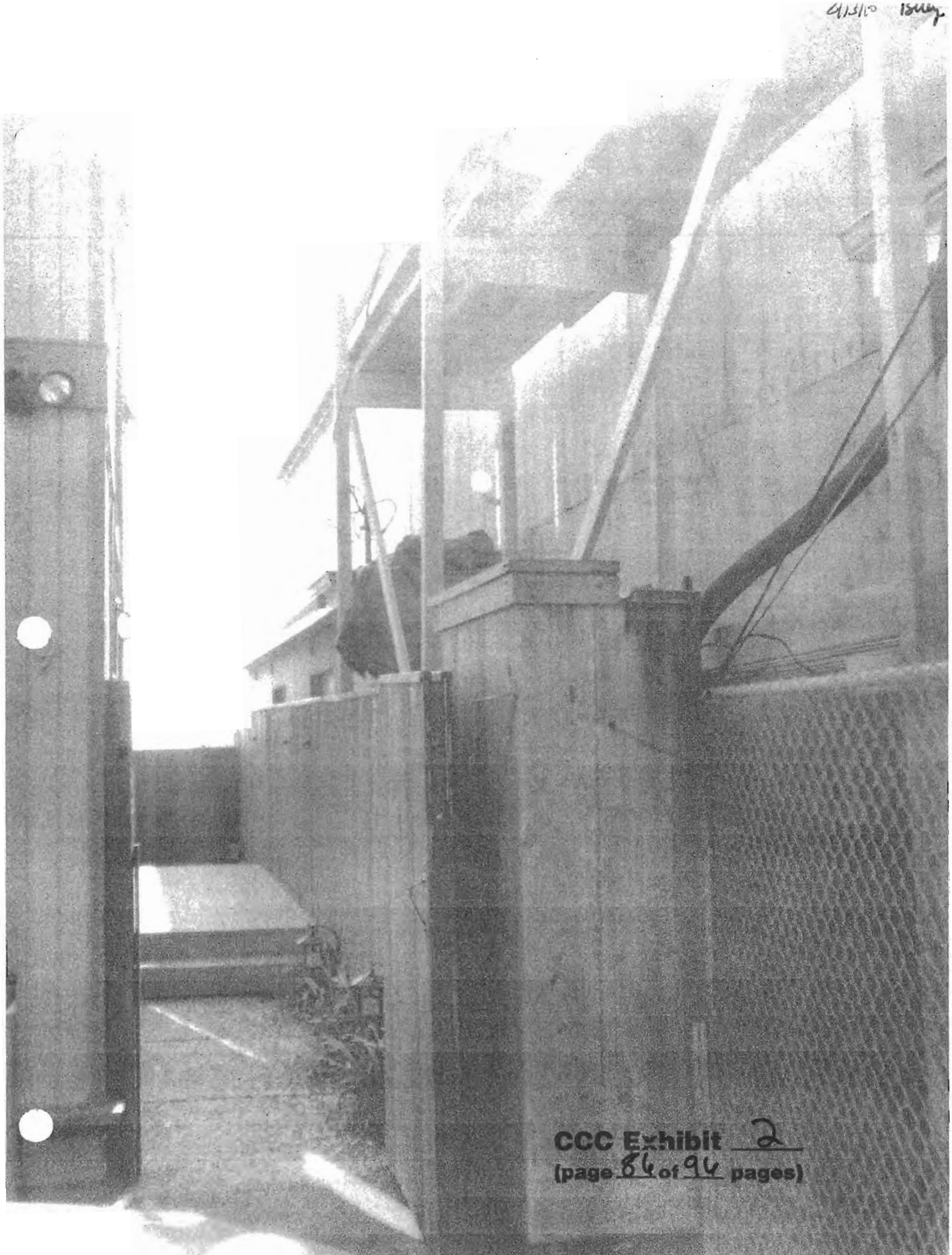

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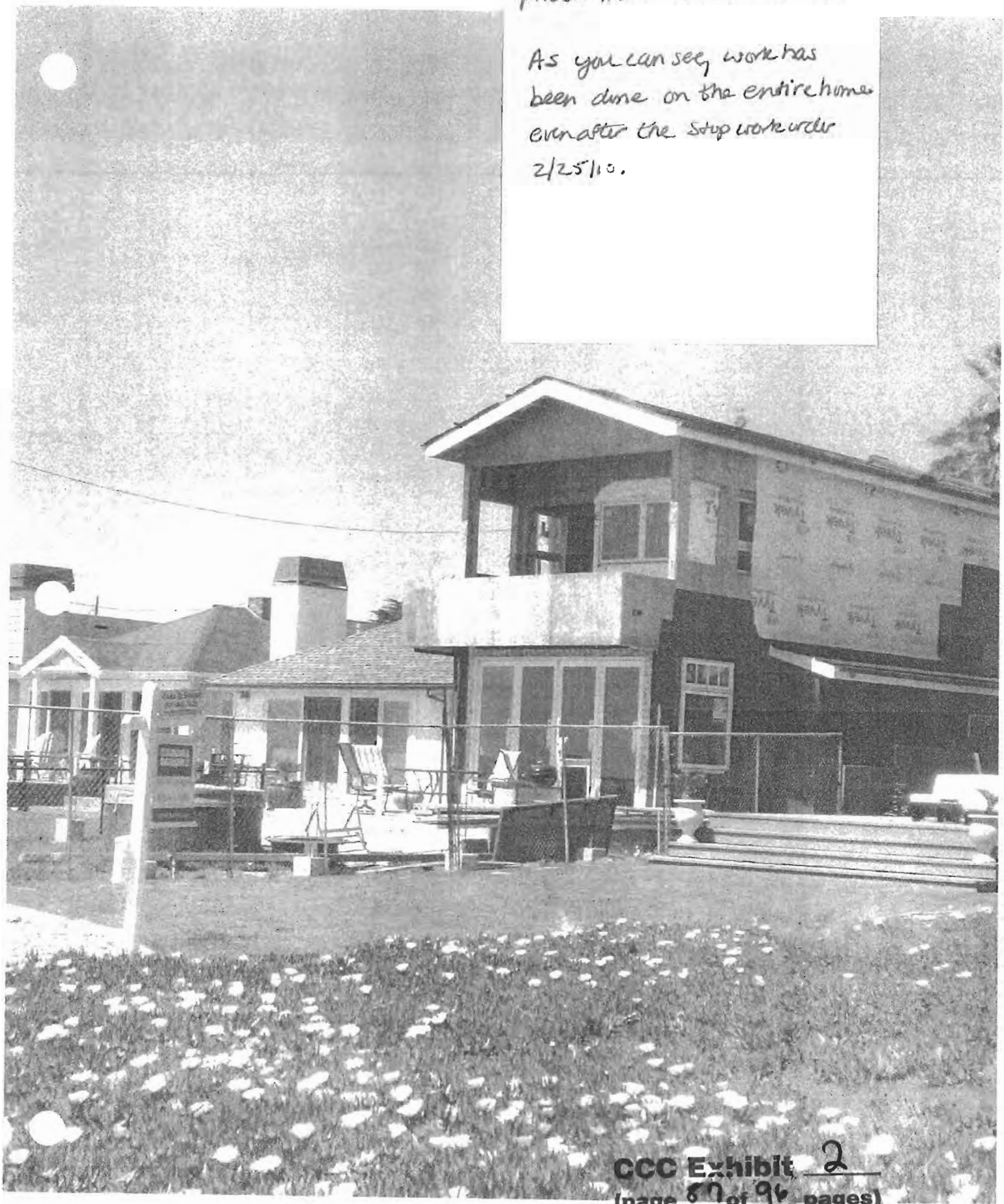
4/8/10 Lisa

photos from 4/8/10 (Lisa)

As you can see, work has been done on the entire home even after the stop work order 2/25/10.



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4/8/10 CDA

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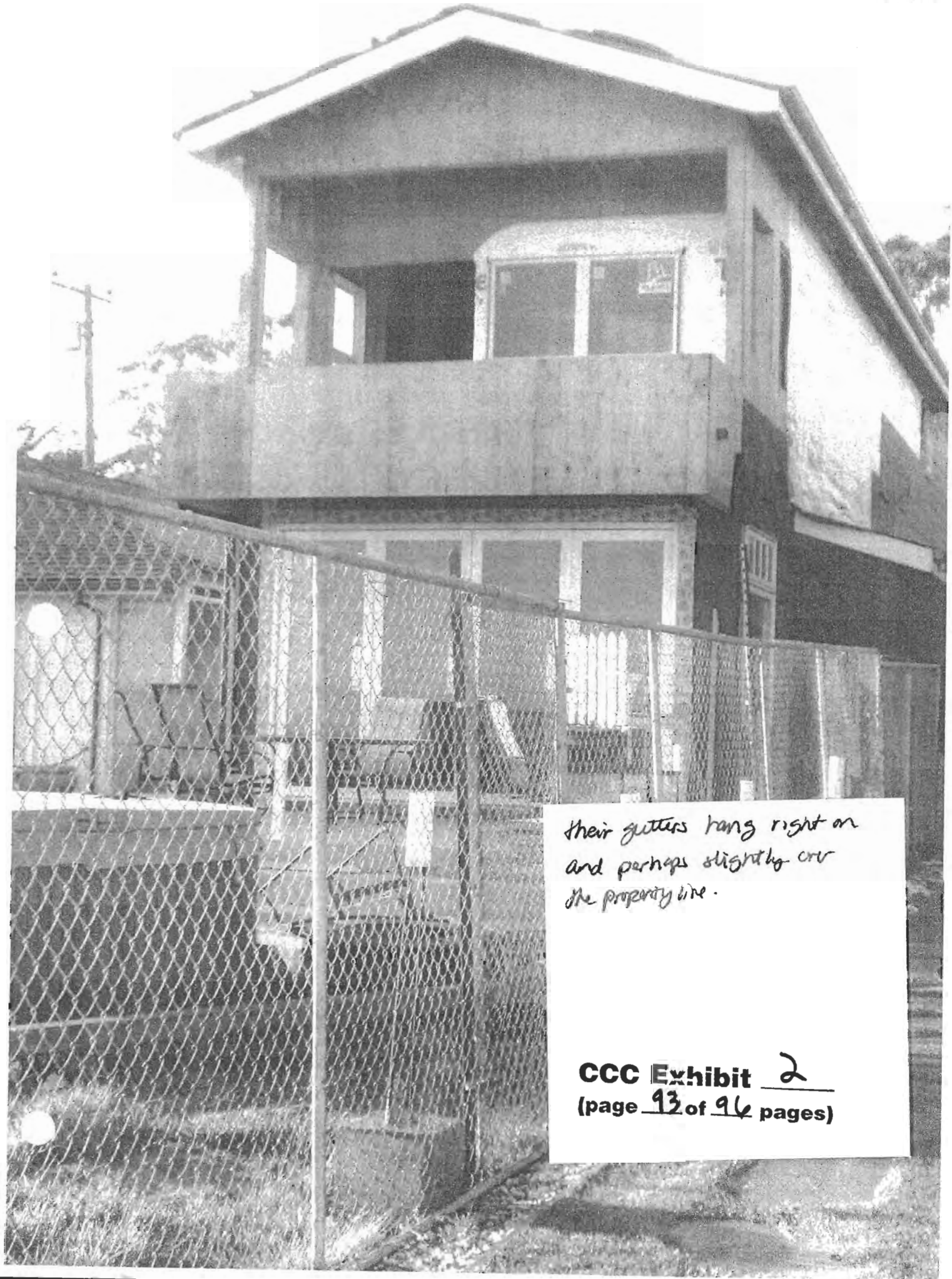

their gutters hang right on and perhaps slightly over the property line.

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9/8/10

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1/6/10
Billy

These are pictures showing the property as originally permitted in 2009

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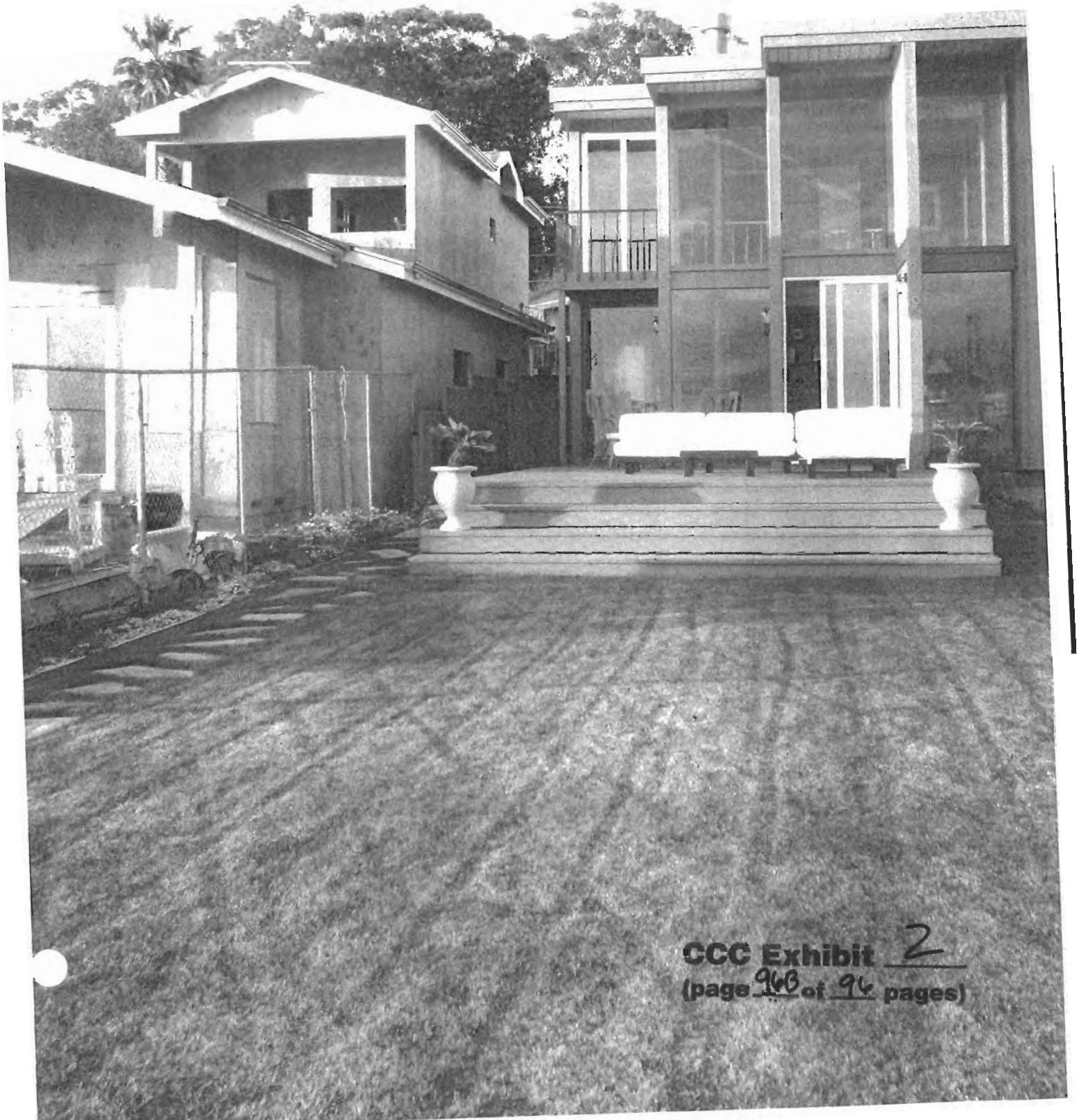
1/6/10 Billy



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July 13, 2010

RECEIVED

JUL 14 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Owners: Alex and Kristine Ingram
Coastal Commission Appeal No. A-3-SCO-10-025
County of Santa Cruz Application No. 10-0080

Dear Ms. Craig:

This letter is on behalf of project applicants, Kris and Alex Ingram, as a response to the claims made by Appellants' appeal dated May 18, 2010 of the above-referenced project. The project consists of the addition of a second story of 984 feet and a 100 sf deck (88 sf covered deck and 37 sf uncovered deck) to an existing small house. The project will result in the total square footage of the house at 1,822 sf of living space and 125 sf of deck space and a garage of 322 sf. The proposed covered deck slightly encroaches into the private ocean view of the house next door which, at the time of the filing of appeal, was on the market for sale by Appellants and has now sold.

Appellants' appeal is principally based upon the fact that the County of Santa Cruz should have issued an amendment to permit instead of a change order to a permit. As more specifically set forth below, there is no dispute that the County made an error in the issuance of a change order instead of an amendment. That error in and of itself provides no basis for the appeal of this permit, much less a substantial coastal issue. Aside from the County's error, Appellants' real issue is that the project affects their private view. Private views are not protected under the Coastal Act. Further, Appellants' assertion that the variances were improperly granted is incorrect and do not support the finding of a substantial coastal issue under the Coastal Act. The proposed project is in compliance with the Coastal Act and applicable LCP policies.

Background

Property Description. The property is a substandard lot (25 feet in width) located within a row of 8 rectangular lots which include the coastal bluff and a large southern facing rock shelf ledge. All but one of the homes built in the 1920's have been remodeled and enlarged. The average house size is 2,328 sf based on Santa Cruz Planning calculations. [1] As noted in the Staff Report[2] , at pages 18 - 19, the styles of homes in the neighborhood vary in terms of architecture and design and the proposed project will be proportional to the parcel and the character of the neighborhood, as the addition consists of a low pitched roof with shingled siding and a "belly band" to break up the mass. The second floor is a stepped back design. The project is at a reduced height of 23' 3', well below the 28' maximum. Although the property is located on the bluff, the project does not obstruct access to the beach because wave run up prevents access.[3] There is an existing 10 foot wide pedestrian easement along the property on the bluff side which will not be affected by the project. There are no protected public views or vistas affected by the project.

Timeline

November 2008 - Permit 07-0755 ("Permit-07") issued for extensive remodel of and second story addition to existing house. Under the standards in effect, the FAR was set at 33%.

April 2009 - Minor variation 09-0142 ("Permit-09") issued to reconfigure the design reducing the size of the second floor, but increasing the size of the deck and garage. This was approved and a non-standard condition was added that this variation superseded the prior permit. This standard was added to discourage the exterior stairway that had been previously approved by Permit -07 (Staff Report, page 4).

June 2009 - Net Site Ordinance 13, 13.10.700-S passed, changing the manner in which the net site area of coastal bluff properties are determined by excluding coastal bluffs and beaches.

January 2010 - County approves a Change Order to Permit-09 allowing a similar but slightly different configuration and design which was less intense than Permit-07. The height was decreased by 3-1/2 feet and the exterior staircase was not included in the

[1] See Dennis Norton letter attached hereto as Exhibit B.
[2] References herein to the "Staff Report" are to the County of Santa Cruz Staff Report dated April 14, 2010.
[3] See Staff Report page 7 " . . the residential additions will not interfere with public access to the beach, ocean or any nearby body of water." See also Staff Report page 40, finding #4.

design. The County, believing this was a less intense project than the originally issued permit without the offending staircase, believed the original permit to still be in effect (Staff Report, page 4), and processed a Change Order.

February 2010 - Appellants complain to County that the project affects their private view and that the County erred in issuance of the change order in that the original permit was superseded and no longer in effect.

February – March - 2010 County re-tags all project work affected by the Change Order then suspends Change Order.

April, 2010 – Ingrams apply for new permit and County Planning Commission approves Permit -10 and grants variances for parking in the front (to exceed the 50% limit on driveways in the front yard) and FAR standards (a variance from the required FAR of 50% to 59%).

May, 2010 - Appellants file appeal directly to the Coastal Commission.

Appellants' Contentions

Appellants list numerous sections of the County Code without citing relevant passages. However, the grounds for the appeal in essence are that: 1) the County in error issued a Change Order in violation of its own permit conditions and the Ingrams cannot rely upon the Change Order or prior permit for the proposed project; 2) the Ingrams continued work on the addition in violation of the stop work order issued by the County; 3) the proposed addition does not meet the new FAR ordinance passed while the new permit was being processed, and therefore a variance is required; and 4) Appellants' private views, light and air are impacted. Appellants also contend that setback requirements are not met for the new addition and that the house should be required to be sprinklered.

As more specifically set forth below, Appellants' contentions have either been cured by the County by requiring the Ingrams to process the new permit, Permit -10, or are totally unsupported by the facts. The only concern Appellants really have is that their private view of the ocean to the west is minimally impacted by the covered deck in the proposed project. As such, Appellants raise no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

I. The County's Error in Issuance of a Change Order was Corrected by Requiring the Ingrams to File and Process a New Permit – 10-0080.

Appellants' appeal is largely based upon the fact that County erred in issuing the Change Order to permit 09-0142 instead of a permit amendment. The County admits its error in issuing the Change Order[4]. The planner thought the Change Order was appropriate because the permit was similar to the previously approved project and that the planner's intent in placing condition IVc on Permit-09 was to delete the exterior staircase which was not a part of the Change Order.[5] In any event, to cure the County's error, the Ingrams applied for a new permit which was approved for the proposed addition. Any mistakes made by the County in issuing the Change Order have been cured. County Code Sections 18.10.136 and 12. 10.340 note that any permit issued in error by the County may be revoked, or amended in lieu of revocation by the Building Official, Planning Commission or Board of Supervisors. The County Code also provides the Permittee a reasonable opportunity to correct the permit and adequate time to pursue such correction. The County properly processed Permit -10 by hearing before the Planning Commission and cured any errors in its issuance of the Change Order.

Appellants also argue that Permit -09, condition IVc, does not allow the Ingrams to "return to the previously issued Permit- 07". This is not the case for two reasons. First, Permit-10 is an amendment to Permit -09, and not in reliance on Permit -07. Second, although similar to the design in Permit -07, the current project is different in configuration and design which decreases the overall height (23´ 3" – substantially less than the 28' height maximum) and deletes the exterior staircase encroaching into the setbacks[6].

Finally, Appellant's accusations that the Ingrams or the Ingrams' design consultant should have been aware of the County's error are without any basis whatsoever. See letter from Kris Ingram attached as Exhibit A and Dennis Norton letter attached hereto as Exhibit B.

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[4] Staff Report page 4 – "Though the change order was very similar to the project that had received a public hearing and Zoning Administrator approval in 2008, Condition IVc of the minor variation, referenced above specifically stated that he original permit had been superseded. The change order therefore should not have been approved by the Planning Department, as approval of an amendment to coastal permit 09-0142 is needed to formalize the return to a larger-sized home. However, an amendment was not processed and the Change Order Building Permit 152272-1 was issued, in error, by the Planning Department on February 9, 2010."

[5] Staff Report page 4 "planner's intent when placing the non-standard Condition IVc on the project in July 2009 being oriented to no longer allowing the exterior stairway encroachment to the side yard."

[6] See Staff Report page 5 for a comparison between Permit -07, Permit -09 and new Permit -10.

II. The Ingrams Have Complied with the County's Stop Work Order.

Appellants' allegations that illegal work continued despite the stop work order on the Change Order is without basis. Work under approved Permit -09 and building permit 152272 began January, 2010. In February, the Planning Department received a complaint from the Appellants that the construction obstructed their views and that the work exceeded the originally-issued permit. A stop work order was issued by the County on February 25, 2010 and on March 15, 2010 the Change Order upon which the Ingrams had relied upon as valid was suspended based upon the County's error in issuance of the Change Order. The Ingrams, in good faith reliance upon the County's issuance of the Change Order, began construction until the stop work order was issued. As noted in the attached letter from Dennis Norton, Exhibit B, the only work which has been done was to water proof the house in February per the authorization by the County to do so and on work unaffected by the improperly issued Change Order.

III. The Proposed Project Meets County FAR Standards in that a Variance was Properly Granted for Permit 10-0080.

Appellants argue no variance was granted nor should one be granted, as it would be a grant of a special privilege. Appellants' contentions are incorrect. The only variance required due to the passage of the new FAR standards is for Permit-10. Permit -10 included a variance to the FAR standards set forth in 13.10.700S and proper findings were made and supported. As pointed out in the Staff Report, had the County not mistakenly issued the Change Order, the project would have been at 27 %. Due to the new standards, the net site area decreased by 38%. However, since the FAR site standards changed before Permit -10 was approved, the County reviewed the project under the new standards. The County properly required that a variance be applied for and reviewed by the County. As part of Permit -10, a variance to the FAR standards was approved. [7]

Appellants argue, as their Issue #4, that a variance for the FAR can only be granted if it "prevents use of a parcel". That is patently incorrect. Variances are permitted exceptions to the standard zoning restrictions under certain prescribed circumstances, none of which require a showing of no use of a parcel. A variance is appropriate when the proper findings can be made (not that it prevents a use). Those findings are specified in County Code Section13.10.230 and are as follows:

[7] A variance for the front yard setback was also approved for the parking in that the narrow width of the lot prevented the normal 2 parking spaces and this variance does not appear to be contested.

1) Special Circumstances. 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.

2) Not Materially Detrimental. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

3) No Special Privileges. That the granting of such variance 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. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06).

Staff Report, at page 20, notes the grounds in support of each of the required findings. Specifically with respect to special circumstances, there are several factors, each of which could independently support the finding: 1) the net site area of the parcel due to the bluff is extremely small at 3,425sf, far below the 5,000 sf minimum parcel size for the zone district; 2) the parcel includes an unusual geometry of the coastal bluff which not only consists of the standard vertical bluff, but a unique substantial horizontal rock shelf (south facing) that is unique only to this particular small area of the coast line; 3) the bluff is actually a retaining wall supporting a public path; and 4) the lot configuration itself is extremely narrow and substandard for the zone district with a frontage of only 25 feet wide, half of the required minimum width for the district.

The Rockview / S. Palisades area has only a few, approximately three, small parcels similar to the Ingrams parcel with a substantial bedrock ledge. This is a unique feature of only a small area of the Santa Cruz County coast line. See letter from Rick Parks of Haro, Kasunich and Associates attached as Exhibit C. Even more unique to the Ingrams' parcel is the vertical ledge supporting a public path. The existence of the substantial rock shelf alone caused the project to exceed the FAR standard. [8] As noted in the Rick Parks' letter, both the unique rock ledge and vertical support for the public path are unique to only a few parcels in the district.

[8] See Staff Report page 20.

As noted in the Staff Report and the supporting letter from Dennis Norton (Exhibit B) the grant of the variance will be in harmony with the neighborhood and not materially detrimental. The proposed addition is low in height and meets all side and rear yard setbacks to their neighbors allowing privacy and access to sunlight and air. The change in parking in the front yard brings the parking into conformity with current 20' setback requirements. Letters from neighbors supporting the project, including the other immediate neighbor, are attached as Exhibits D-1 and D-2.

There are no special privileges granted by this variance. The Staff Report at page 21, and as shown by the size of homes in the area, adjacent homes have had or do have the benefit of more building space. County staff notes that three of the six contiguous lots with a similar shape have had variances approved due to the unusual shape and size of these particular lots in this area and that the granting of the variance is not a special privilege. The Staff Report also notes that recent approvals in the vicinity include a 3,300 sf home and 2,200 sf home. [9] The housing survey attached to the letter by Dennis Norton shows the average size of houses in the neighborhood is 2,328 square feet and that seven of the nine houses are two-story.

IV. Appellants' Argument that the Proposed Addition Obstructs their Private Light, Air and Solar Opportunities are Without Support Either in Law or Fact.

Appellants argue at Issue #9 that "there is a significant effect on the home with respect to light, air and solar opportunities. I have floor to ceiling windows on the west side of my home and due to the non-permitted second story addition, I no longer can even see the sky. My residence is completely shaded and void of any sunlight especially since there are no windows on the east side of my home". This is completely without basis as noted on the in the letter by Dennis Norton (Exhibit B).

Staff Report, at page 4, states that the Appellants complained about loss of ocean views resulting from the construction. While it is true that the construction impinges slightly on the neighbors' ocean view, reducing it from a 70degree view to approximately 60 degrees, Appellants' claim that the addition obstructs light, air and solar is untrue.[10] The addition at 23feet is well below the maximum height of 28 feet and is a "low- pitch roof design and stepped back second story" [11] Staff Report at page 18 states: "The

[9] Staff Report, page 7.
[10] See Dennis Norton letter attached as Exhibit B.
[11] Staff Report, page 7.

proposed construction will not deprive adjacent properties or the neighborhood of light air or open space in that the addition meets all current setbacks that ensure access to light, air and open space in the neighborhood and because the adjacent properties both open toward the pedestrian path bedrock shelf and open ocean vista at the rear." The shingled siding and additions and deck match the style of the existing house. There is no evidence that any other neighbor private view of adjacent private views is exceptionally impacted. [12]

V. Appellants' Other Arguments are Without Support or Foundation in that the Proposed Addition Meets Current Setbacks and is Sprinklered, all pursuant to County Code.

As noted above, the proposed addition meets all current setbacks and is sprinklered. [13]

Conclusion. The Appeal fails to set forth any violations of Coastal policies.

The proposed project is in compliance with LCP and Coastal Act policies. The proposed addition will be similar to the existing pattern of residential development in the neighborhood. The parking in the front will be improved, as it will be setback to and come into conformance with existing standards. The variance is applicable only to this unique parcel. No coastal protected views are impacted by the project. Public access remains unaffected by the small addition. The pedestrian path along the bluff will not be affected. There is established public access at the east end of Rockview less than 100 feet from the site.

[12] As the Court in *Farr v California Coastal Comm'n* (2009) 173 CA4th 1474 noted, not every view is protected from intrusion and the legislature did not intend that permits be denied for projects no matter how minimal the infringement on any view from any vantage point. The view in *Farr* was from a public side street, but not a recognized coastal protected view. In the Ingram case, the Shawver's view is not a recognized coastal protected view, but only a private view as opposed to public view.

[13] See letter from Dennis Norton, Exhibit B, and Staff Report page 18.

July 3, 2010

California Coastal Commission

Attn: Ms. Susan Craig and Mr. Dan Carl

725 Front Street, Suite 300

Santa Cruz, CA 95060

Ms. Craig and Mr. Carl,

I am writing this letter in response to the Coastal Commission Appeal # 3-SCO-025. My name is Kris Ingram and I am the homeowner at 7 Rock View Drive in Santa Cruz. In October of 2007 my husband and I purchased this beach front property, with the dream of one day improving it to accommodate our family. In October of 2008 that dream began to unfold. We took great pains to make sure the improvements fit in with the neighborhood and were to size and scale with our lot. Prior to breaking ground, we went through all of the appropriate building and structural permit processes, but when it came time to build we changed the project because I was laid off, and the economy took a tumble. We again did everything that was dictated and required by the County of Santa Cruz. Once the house was framed, we re-evaluated our decision and went back to the original design. We re-applied for permits and they were granted. We, in good faith, did all that the County instructed us to do to move forward in a timely fashion. We proceeded, and got to the point of a fully constructed home with plywood siding and roof. At this point our construction project was red-tagged.

Our neighbors at the time, Billy and Lisa Shawver, appealed our permit. At that point we learned the County had made a mistake in issuing our permit. We went back to County for a public hearing at our expense to correct the County's mistake. The County supported our project once again, and denied their appeal. The Shawyers who had put their property up for sale well before we started our project now no longer own the property next door and are no longer in the neighborhood. We believe that they were concerned that their private view was slightly affected by our project and that this would affect their selling price. The County's error added to the confusion with the neighbors as to whether we were proceeding legally. As it was, they ended up selling their property for far less than they were asking. I believe the Shawvers may blame us for this issue and to this day are making us pay in more ways than one.

The Shawvers then, upon the advice of their attorney, Tony Lombardo, without going to the County Board of Supervisors or paying any money appealed this matter to the Coastal Commission, and that brings us to our predicament today. We paid approximately $40,000 in fees and are currently being billed another $7,800 for an issue we did not cause nor understand. The time delay has been unbearable. Who do we put our trust in, if not those who are in a position to advise and guide us? The County of Santa Cruz made a mistake, and one that had cost us financially and emotionally. My plea is that you will be able to support us in the completion of this project, and let us finish our home. I thank you for your time and attention in this matter.

Respectfully submitted,
Kris Ingram
Kris Ingram

CCC Exhibit 3
(page 11 of 22 pages)

EXHIBIT A PAGE 2 OF 2

DENNIS NORTON

HOME DESIGN & PROJECT PLANNING

May 28, 2010
Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, Ca. 95060

RE: Commission Appeal No. A-3-SCO-025
#7 Rockview Drive

Dear Ms. Craig,

This letter is a response to the Coastal Appeal letter of #7 Rockview Drive by Lisa and William Shawver, dated 5-18-2010. I am the designer for the project and processed this project through the County on behalf of the Ingrams. It should be made clear that a Coastal permit and a building permit were legally issued for all work performed on this project. The permits still stand as issued by the County of Santa Cruz . (Minor Variation to Coastal Permit 09-0142 and Building permit # 152272). The house, with permits, had been two months in process on modification of permit before County revoked building permit. Building is now completed through framing and roof structure. All work was completed with inspections from the County of Santa Cruz as per approved plans. There was no unauthorized work on the house.

Compatibility with Neighborhood - This modest house of less than 1800 square feet, as proposed, is considered small by the neighborhood standards and by other homes along the coast in a similar zoned district. In the last three years the County has issued two Coastal Permits for rebuilds within 200 feet of this project that are considerably larger than this proposed structure, one at 2,200 and another at 3,300. I have prepared a survey of house sizes in the immediate neighborhood adjacent to the Ingrams. It is attached. As shown by the survey the Ingrams' proposed project at 2103 is in keeping with the size of the immediately adjacent homes in the neighborhood and is well below most homes in the zone district. The Ingrams are not asking for anything that other neighbors do not already enjoy. This project has the support of all neighbors with the exception of the Shawvers (absentee) who appealed this project. The site design was reviewed by County and found in compliance with all regulations including but not limited to the new ordinance County Code 13.11.072 relating to compatibility, parking, building bulk, massing and scale.

All work performed was authorized by County - There has been no work performed at any time by the Ingram's on this project that requires a permit without the consent of the Santa Cruz County Building department and the issuance of proper permits. This can be verified by Jennifer Hutchinson, Head Building Department official. Work did not continue after house was red tagged by County. The Ingrams were allowed by the Building department to waterproof structure that was previously approved. This can be verified with County Planning and Building Departments. Neither I nor the Ingrams were aware that the Change Order was issued in error. I, along with the planner assumed that a change order was appropriate in view of the previously issued permit. It should be noted that the claim by the Shawver's that the house is not sprinklered is untrue. The proposed house has sprinklers.

~~4316 CAPITOLA RD~~. • CAPITOLA, CA 95010 • (831) 476-2616 • FAX 476-0730
EMAIL - DNORTONDESIGNS@MSN.COM
ST. LIC. NO. 421394

DENNIS NORTON

HOME DESIGN & PROJECT PLANNING

Impacts on Light and Air - The proposed project does not obstruct Shawver's light and air and only slightly obstructs their private ocean view. The proposed project has little if any effect on the light and air to the Shawver's house. The plan and design is low in profile for a two story structure, with all new areas of structure adhering to required setbacks. The house was reduced in height as originally proposed and is only 24' high which is well below the 28' height minimum. There is little if any shadows except for a short time at sunset. As shown by the site plan the statement made by the Shawvers that their "windows are completely shaded and void of any sunlight" is blatantly wrong.

In reality, the Shawver's main concern is more with their private view than neighborhood compatibility. Their house was on the market for a long time during their appeal and just sold. They have no ties to this neighborhood . The only impact was a slight reduction of their approximately 70 degree view to a 60 degree view of the ocean. The Santa Cruz County Planning Commission and Planning staff , the people most knowledgeable to this property and these issues, gave approval to this project. There are no valid grounds for appeal and this project should be allowed to proceed as quickly as possible to put this small neighborhood back in order. Thank you for your consideration.

Respectfully Submitted
Dennis R. Norton

CCC Exhibit 3
(page 13 of 22 pages)

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EMAIL - DNORTONDESIGNS@MSN.COM

ST. LIC. NO. 421394

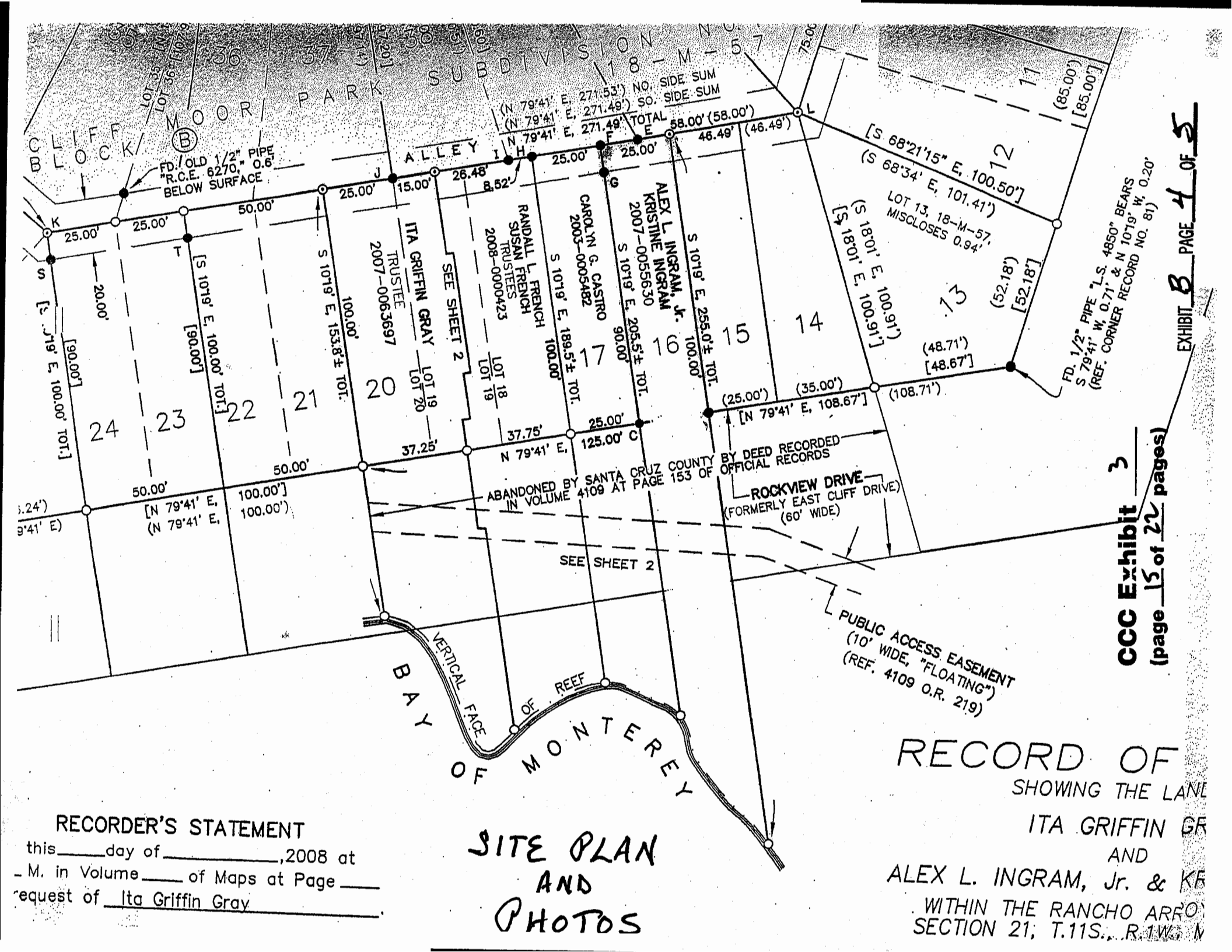
Housing Survey

6-3-2010

The following is a survey of house sizes in neighborhood adjacent to the Ingram Proposed residence at #7 Rockview, Santa Cruz, CA. The square footages are based on living area and garage area as required in County of Santa Cruz Planning calculations.

1)	Hooz Residence 2868 S. Palisades		3850 Sq. Ft.	2-story
2)	Connie Residence 2870 S. Palisades		2870 Sq. Ft	2-story
3)	Gray Residence # 1 Rockview		2000 Sq. Ft	Single story
4)	French residence #3 Rockview	Coastal Permit for	2638 Sq. Ft	Approved for and under construction for a 2-story residence
5)	Carol Foster #5 Rockview		1094 Sq. Ft	Single story
6)	**Alex Ingram** **# 7 Rockview**	**(Proposed)**	**2103 Sq. ft.**	**2-story**
7)	William Shawyer # 9 Rockview		1694 Sq. Ft.	2-story
8)	James Hoag # 11 Rockview		1694 Sq. Ft.	2-story
9)	Eugene Aconico # 17 Rockview		3012 Sq. Ft	2-story

Average house size in Neighborhood 2,328 Sq. Ft.



RECORDER'S STATEMENT

this_____day of_____,2008 at _ M. in Volume____ of Maps at Page____ request of Ita Griffin Gray

SITE PLAN AND PHOTOS

RECORD OF

SHOWING THE LAN

ITA GRIFFIN GR

AND

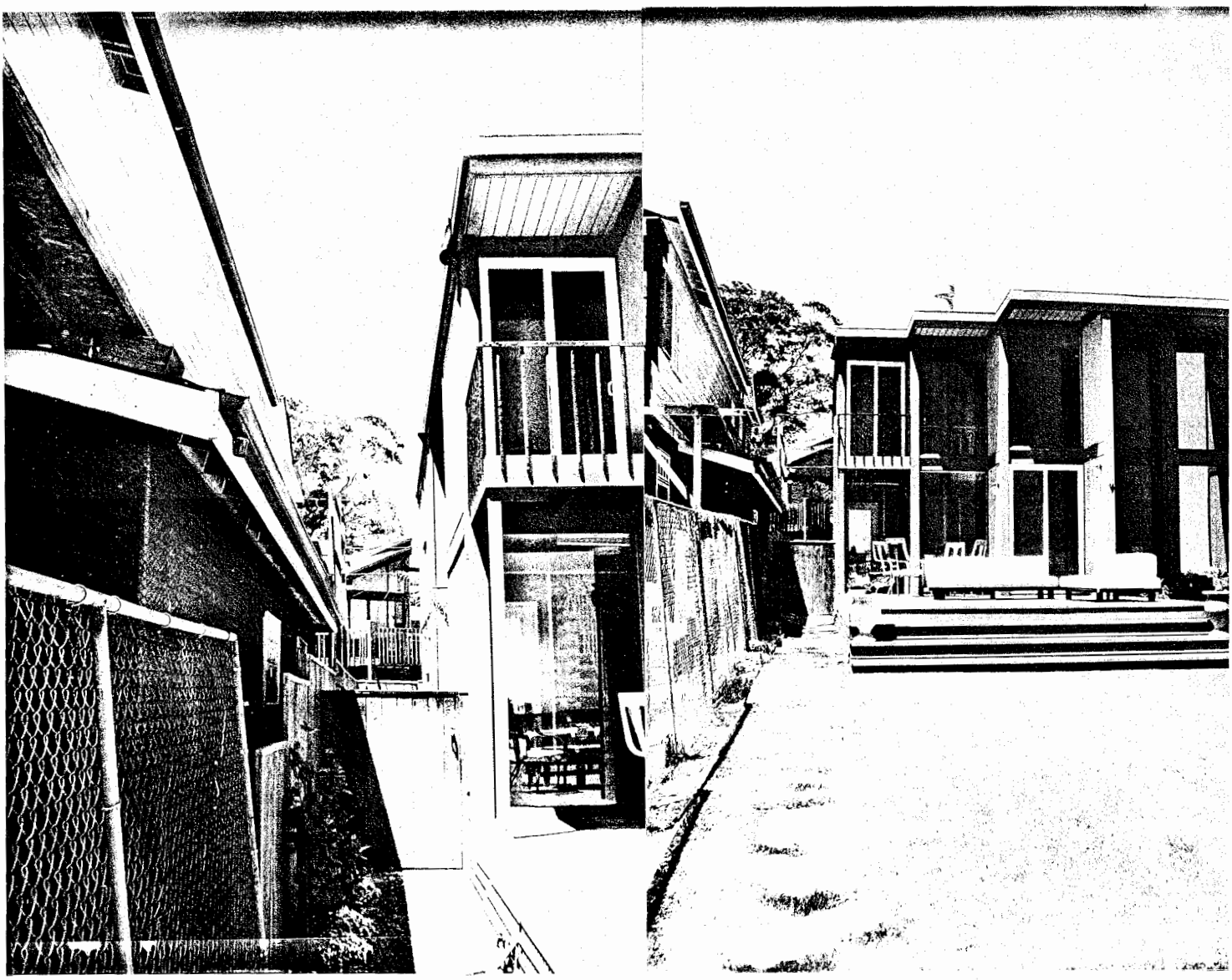
ALEX L. INGRAM, Jr. & KR

WITHIN THE RANCHO ARRO

SECTION 21, T.11S., R.1W., M

EXHIBIT B PAGE 4 OF 5

CCC Exhibit 3 (page 15 of 22 pages)



CCC Exhibit 3
(page 16 of 22 pages)

EXHIBIT B PAGE 5 OF 5

HARO, KASUNICH AND ASSOCIATES, INC.

CONSULTING GEOTECHNICAL & COASTAL ENGINEERS

Project No. SC9621
13 July 2010

CALIFORNIA COASTAL COMMISSION
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060

Attention: Ms. Susan Craig

Subject: Review of Parcel Configuration

Reference: Ingram Residence
7 Rockview Drive
APN 028-304-23
Santa Cruz County, California
CCC Appeal No. A-3-SCO-10-025

Dear Ms. Craig:

The Ingram residence is located at 7 Rockview Drive in the Pleasure Point area of Santa Cruz County, California. The Ingram residence and surrounding neighborhood are situated upon a relatively low coastal bluff at about elevation 24 feet NGVD29. The Ingram parcel is only 25 feet wide and averages about 225± feet long measured perpendicular to the shoreline. A vertical seawall with a recurve along its top bisects the Ingram parcel with a substantial bedrock beach platform below. The base of the seawall and top of the bedrock beach platform are at about elevation 10 feet NGVD29. The bedrock beach platform comprises almost one half of the parcel.

The purpose of this letter is to outline our review of the Ingram parcel configuration with respect to other shoreline parcels in Santa Cruz County, California.

Based upon our review of Google Maps and Californiacoastline.org, it is our engineering opinion that the Ingram parcel configuration is unique to only a few other parcels in Santa Cruz County. Attached to this letter is a Site Location Map using a Google Maps photo showing the South Palisades/Rockview Drive shoreline as well as an October 2009 Californiacoastline.org photo of the Ingram parcel and neighborhood.

CCC Exhibit 3
(page 17 of 22 pages)

EXHIBIT C PAGE 1 OF 4

116 EAST LAKE AVENUE • WATSONVILLE, CALIFORNIA 95076 • (831) 722-4175 • FAX (831) 722-3202

If you have any questions regarding this letter, please call our office.

Respectfully Submitted,

HARO, KASUNICH AND ASSOCIATES, INC.

Rick L. Parks, GE 2603
Senior Geotechnical and Coastal Engineer

RLP/dk

Attachments: Site Location Map
Californiacoastline.org -- Oct 2009

Copies: 2 to Addressee
1 to Alex and Kristine Ingram

CCC Exhibit 3
(page 18 of 22 pages)

EXHIBIT C PAGE 2 OF 4

CCC Exhibit 3
(page 19 of 22 pages)

EXHIBIT C PAGE 3 OF 4

SITE LOCATION

SITE LOCATION MAP 7 Rockview Drive - Ingram Residence APN 028-304-023 Santa Cruz County, California	
SCALE: Not To Scale	Image From Google Earth
DRAWN BY: JD	HARO, KASUNICH & ASSOCIATES, INC. GEOTECHNICAL AND COASTAL ENGINEERS 116 E. LAKE AVENUE WATSONVILLE, CA 95076 (831) 722-4175
DATE: July 2008	
REVISED:	
JOB NO: SC9621	
FIGURE NO.	

CCC Exhibit 3
(page 20 of 22 pages)

EXHIBIT C PAGE 4 OF 4

May 25, 2010

California Coastal Commission:

I am writing this letter in support of the structure built at 7 Rock View Drive in Santa Cruz. I am the full time resident and homeowner of 5 Rock View Drive and I would love to see the Ingram's finish their project as soon as possible. I have been very patient, as the next door neighbor, and the Ingram's have been very considerate, but the circumstances that have stopped construction are inconceivable to me. The Ingram's have acted in good faith with the permits they paid for and were issued by the county of Santa Cruz. This unfinished construction is an eye-sore and a newly re-modeled home will only benefit the neighborhood aesthetically and financially. To my understanding this project which began in October of 2009 was to be completed in May of 2010. Please enable the Ingram's to finish the home they were permitted to build so that we can continue to enjoy the beautiful views of the coast and not an unfinished construction site.

Thank you for your time and consideration in this matter.

Sincerely,

Carol Gray

Carol Gray

CCC Exhibit 3
(page 21 of 22 pages)

EXHIBIT D-1 PAGE 1 OF 1

May 26, 2010

TO: California Coastal Commission

RE: Ingram Residence – 7 Rockview Dr., Santa Cruz

We are writing in full support of the Ingram residence on 7 Rockview Drive.

In good faith, the Ingrams followed the county requirements, obtained their permits and paid their fees. They have been courteous and informative during the construction process, and have made every effort to minimize any inconvenience to the neighborhood.

Living near a construction site can be a nuisance. As full time residents, we would appreciate a prompt resolution in their favor so our lives can get back to normal.

The house is a beautiful addition to our street and we're looking forward to having new neighbors. Please allow them complete their home.

Sincerely,

Jason + Julie Hooz

Jason & Julie Hooz
2868 S. Palisades Ave.
Santa Cruz, CA 95062

EXHIBIT D-2 PAGE 1 OF 1

CCC Exhibit 3
(page 22 of 22 pages)

Michael A. Guth
Attorney at Law
2-2905 East Cliff Dr.
Santa Cruz, CA 95062

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, CA

April 13, 2010

Re: Permit Application 10-0080; Agenda Item 7, April 14, 2010

I strenuously object to the granting of a Floor Area Ratio Variance on this parcel.

THE FLOOR AREA RATIO VARIANCE CANNOT BE JUSTIFIED UNDER ANY REASONING.

The reduced net site area on this parcel is not the unintended consequence of a law passed for other reasons. The new law was passed specifically to prevent large houses on smaller plateau lots. The 38% reduction in lot size is not atypical, in fact, in Rio Del Mar much larger losses may have occurred.

A variance may be appropriate when a rule prevents use of a parcel. However, this parcel already had a pre-existing structure, thus was not denied use. **Further, there is already a permit granted (07-0755) for this parcel which DOUBLES the size of the pre-existing home. It is not legally justifiable to claim deprivation when one can already DOUBLE the size of an existing home.** In all my years participating in this County's land use affairs, I have never heard such an outrageous claim as that made in Findings 1 and 3.

Using the new net site area, the old home had a 22.9% FAR. The current, approved permit has an FAR of 44% using the new net site area. The new net site area still allows for more than a doubling of the size of the pre-existing home. **A FAR Variance here is a grant of special privilege. Just because the owner would prefer a larger home cannot be the basis of violating the clear legislative intent of the recent law change.**

Pointing out that other homes, built and permitted prior to the new law change, have larger FARs provides no legal basis for contrast to similarly situated properties. The law was changed specifically to disallow such situations.

GRANT OF SUCH A VARIANCE WOULD DIRECTLY IMPINGE UPON LEGISLATIVE FUNCTION AND CANNOT BE DONE ADMINISTRATIVELY.

GRANT OF SUCH A VARIANCE WOULD BE ADMINISTRATIVE USURPATION OF LEGISLATIVE AUTHORITY.

The Planning Commission cannot grant this variance.

Yours Sincerely,

Michael Guth

Michael A. Guth

CCC Exhibit 4
(page 1 of 1 pages)