



Staff Report to the Planning Commission

Application Number: **08-0375**

Applicant: Hallie Neuwirth
Owner: Hallie Neuwirth
APN: 054-072-05

Agenda Date: April 8, 2009
Agenda Item #: 11
Time: After 9:00 a.m.

Project Description: Proposal for a condominium conversion/ Minor Land Division of an existing residential duplex. Each of the two residences is a two-story, two-bedroom, one and one-half bath unit with an attached one-car garage. Requires a Minor Land Division approval and a Coastal Development Permit.

Location: 1980-1984 Dolphin Drive, Aptos, CA 95003

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

Permits Required: Minor Land Division and Coastal Development Permit
Technical Reviews: none

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0375, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Project plans | F. Location, Zoning & General Plan maps |
| B. Findings | G. Will Serve letters |
| C. Conditions | |
| D. Categorical Exemption (CEQA determination) | |
| E. Assessor's parcel map | |

Parcel Information

| | |
|----------------------------------|----------------------------|
| Parcel Size: | 6,098 square feet |
| Existing Land Use - Parcel: | Multi-family residential |
| Existing Land Use - Surrounding: | Multi-family residential |
| Project Access: | Driveway off Dolphin Drive |
| Planning Area: | Aptos |

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

Land Use Designation: R-UH (Urban High Density)
Zone District: RM-3 (multi-family residential)
Coastal Zone: x Inside Outside
Appealable to Calif. Coastal Comm. Yes x No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The subject residential duplex was approved by the Zoning Administrator in 1976 as Planned Development Application 76-232-PD, and was constructed in 1977 under Building Permit # 50799.

The applicant purchased the duplex in 1995 and has resided in one of the duplex units since that time, while renting the other duplex unit to tenants. The same tenant has resided in one of the duplex units for the last 4 years.

Project Setting

The property is in the Seascape neighborhood of Aptos, approximately 100 feet north of Seascape Boulevard. The neighborhood consists of other multi-family residential units of a similar size and density on the western side of Dolphin Drive, and single-family residential development (zoned R-1-6) on the east side of Dolphin Drive. Most parcels are roughly in the 6,000 square foot size range in the project vicinity.

Condominium Conversion

This application is to convert existing units in common ownership into separate ownership units. The existing duplex will be converted into two condominium units. In projects involving less than four existing units, a minimum of one-half of the existing units must be sold to persons who resided in the units for a minimum of three years prior to the conversion (other regulations apply to affordable housing projects or developments which increase the total number of units). In this case, one unit is currently owner-occupied, and was owner-occupied at the time of application for the proposed conversion, and the other unit is occupied by a tenant who has been renting one unit for the last 4 years. The tenant has received the required notifications as specified under County Code Section

14.02 (Condominium and Townhouse Conversion Regulations) and under the applicable provisions of State Government Code Section 66452 (regulations for condominium subdivisions). This conversion will allow individual ownership, separate financing and individual sale for each unit. The long-term tenant has received all required notifications, including the notification for a 90-day exclusive right to contract to purchase the unit if the tenant should wish to do so, or moving and relocation assistance of up to one and one-half times the amount of the monthly rent.

Zoning & General Plan Consistency

The subject property is a 6,098 square foot lot, located in the RM-3 (multi-family residential) zone district, a designation that allows residential uses. The proposed condominium conversion/ minor land division of an existing residential duplex is a principal permitted use within the zone district and the project is consistent with the site's (R-UH) Urban High Density General Plan designation. No new development or change of use is being proposed

Local Coastal Program Consistency

The proposed condominium conversion of an existing residential duplex is in conformance with the County's certified Local Coastal Program, in that the structure is visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain multi-family and single-family dwellings. Size and architectural styles vary somewhat in the area, and the design of the existing duplex townhouse is consistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Utilities

Water, sewer, and electrical utilities are available to the subject property. The existing water and sewer mains are capable of handling the volume necessary to serve the proposed parcel. Santa Cruz County Sanitation District and Soquel Creek Water District have issued will serve letters for the proposed condominium conversion.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15301(k) (Class 1- Existing Facilities), which applies to divisions of multi-family residential structures into common-interest ownerships with no structural changes.

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 **08-0375**, based on the attached findings and conditions.

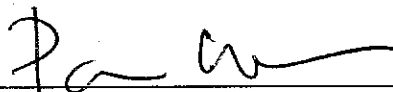
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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: _____


Alice Daly
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3259
E-mail: alice.daly@co.santa-cruz.ca.us

Report Reviewed By: _____


Paia Levine
Principal Planner
Santa Cruz County Planning Department

Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance, specifically County Code Section 14.02 (Condominium and Townhouse Conversion Regulations), as set forth in the findings below.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.

This finding can be made, in that the proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two residential condominium parcels and a common area parcel and is located in the Urban High Density Residential (R-UH) General Plan designation that allows a density of one unit for each 2,500 to 4,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the two condominium parcels will share common area open space for a minimum of 3,000 square feet per each dwelling unit.

The project is consistent with the General Plan in that the full range of urban services is available to the existing duplex that will be converted to two condominiums, including public water and sewer service. Both units are accessed by a shared driveway to the public street that provides satisfactory access to the project. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular and pedestrian access.

3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.

This finding can be made in that the use of the property will be residential in nature and lot sizes meet the minimum dimensional standards for the RM-3 (Multi-Family Residential, 3,000 square feet minimum) zone district where the project is located. No alterations in the existing setbacks, parcel coverage, or the height of the existing duplex are proposed as a part of this project.

This proposal complies with all of the requirements of County Code section 14.02.040 (Condominium Conversions), in regards to tenant notifications and all other applicable regulations.

4. That the site of the proposed subdivision is physically suitable for the type and density of development.

This finding can be made, in that there are no topographic constraints that affect the site and the structure and all site improvements have already been installed.

5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife

or their habitat.

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site. The conversion of the existing duplex to townhouses will not create any adverse environmental impact.

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that municipal water and sewer are available to serve all proposed parcels.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.

This finding can be made, in that no easements are known to encumber the property. Access to each lot will be from existing driveways.

8. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.

This finding can be made, in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. The existing structure will not be modified and will meet the minimum setbacks as required within the zone district.

9. 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 proposal is for an existing structure that is visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single family and multi-family residential development, with many duplexes and townhouse developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned RM-3 (multi-family residential), a designation that allows residential uses. The proposed condominium conversion/ minor land division of an existing residential duplex is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High Density General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the proposal consists of the condominium conversion of existing development that is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors of the existing development are complementary to the site; and the site is not on a prominent ridge, beach, or bluff top. No new development is proposed for this condominium conversion project.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site not located between the shoreline and the first public road. Consequently, the proposed condominium conversion of an existing residential duplex 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 existing 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 RM-3 (multi-family residential) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain multi-family and single-family dwellings, and the existing development is consistent with the existing range of size and architectural style.

Conditions of Approval

Exhibit A: Tentative Map by Bowman & Williams, dated April 2008

All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. Pay the required fee for processing the Environmental Exemption to the Clerk of the Board. This fee is currently \$25 per exempted project, but is subject to change.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved tentative map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than two (2) multi-family residential lots and a common area parcel. A statement shall be added to clearly state that the common area parcel surrounding the two multi-family residential lots is not a building site.
 - C. The minimum amount of parcel area per dwelling unit shall be 3,000 square feet of net developable land.
 - D. The following items shall be shown on the Parcel Map:
 1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 2. The net area of each lot to nearest square foot.
 3. Common areas clearly labeled as, "Not a Building Site."

- III. Prior to recordation of the Parcel Map, the following requirements shall be met:
- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
 - B. Meet all requirements of the Santa Cruz County Sanitation District, including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of a sewer improvement plan providing sanitary sewer service to each parcel. A shared sewer lateral may be considered by the Santa Cruz County Sanitation District if private maintenance of the shared lateral is proposed. If a shared sewer lateral is proposed, it must be indicated on the improvement plans.
 - 2. Pay all necessary bonding, deposits, and connection fees.
 - C. Water service shall be reviewed by the Soquel Creek Water District. New meters or separate connections shall be installed, if required by the Soquel Creek Water District.
 - D. All requirements of the Aptos/La Selva Fire Protection District shall be met.
 - E. Any changes to the approved map and/or improvement plans shall be reviewed and accepted by the Planning Department prior to recordation of the Parcel Map. Further review by the approving body and possible amendment of the development approval may be required.
- IV. All future development shall comply with the development standards for the RM-3 zone district. Total development on the subject property shall not exceed 40% lot coverage, or a 50% floor area ratio, or other standards as may be established for the zone district.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or

cooperate was significantly prejudicial to the Development Approval Holder.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement that incorporates the provisions of this condition, or this development approval shall become null and void.

Amendments to this land division approval shall be processed in accordance with chapter 18.10 of the county code.

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking **at least 90 days** prior to the expiration date and in no event later than 3 weeks prior to the expiration date.

cc: County Surveyor

Application #: 08-0375
APN: 054-072-05
Owner: Hallie Neuwirth

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

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Mark Deming
Assistant Director

Alice Daly
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 Planning Commission, may appeal the act or determination to the Board of Supervisors 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: 08-0375

Assessor Parcel Number: 054-072-05

Project Location: 1980-1984 Dolphin Drive, Aptos, CA 95003

Project Description: Proposal for a condominium conversion/ minor land division of an existing residential townhouse duplex

Person or Agency Proposing Project: Hallie Neuwirth

Contact Phone Number: 831-761-4301

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. ☒ **Categorical Exemption**

Specify type: 15301(k) Class 1: Existing Facilities

F. Reasons why the project is exempt:

Division of existing multi-family residence into common-interest ownership

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

Alice Daly, Project Planner

Date: _____

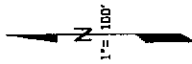
FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY AND ASSUMES ANY LIABILITY FOR OTHER ERRORS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

SECS. 21 & 28, T.11S., R.1E., M.D.B. & M.

Tax Area Code
69-267

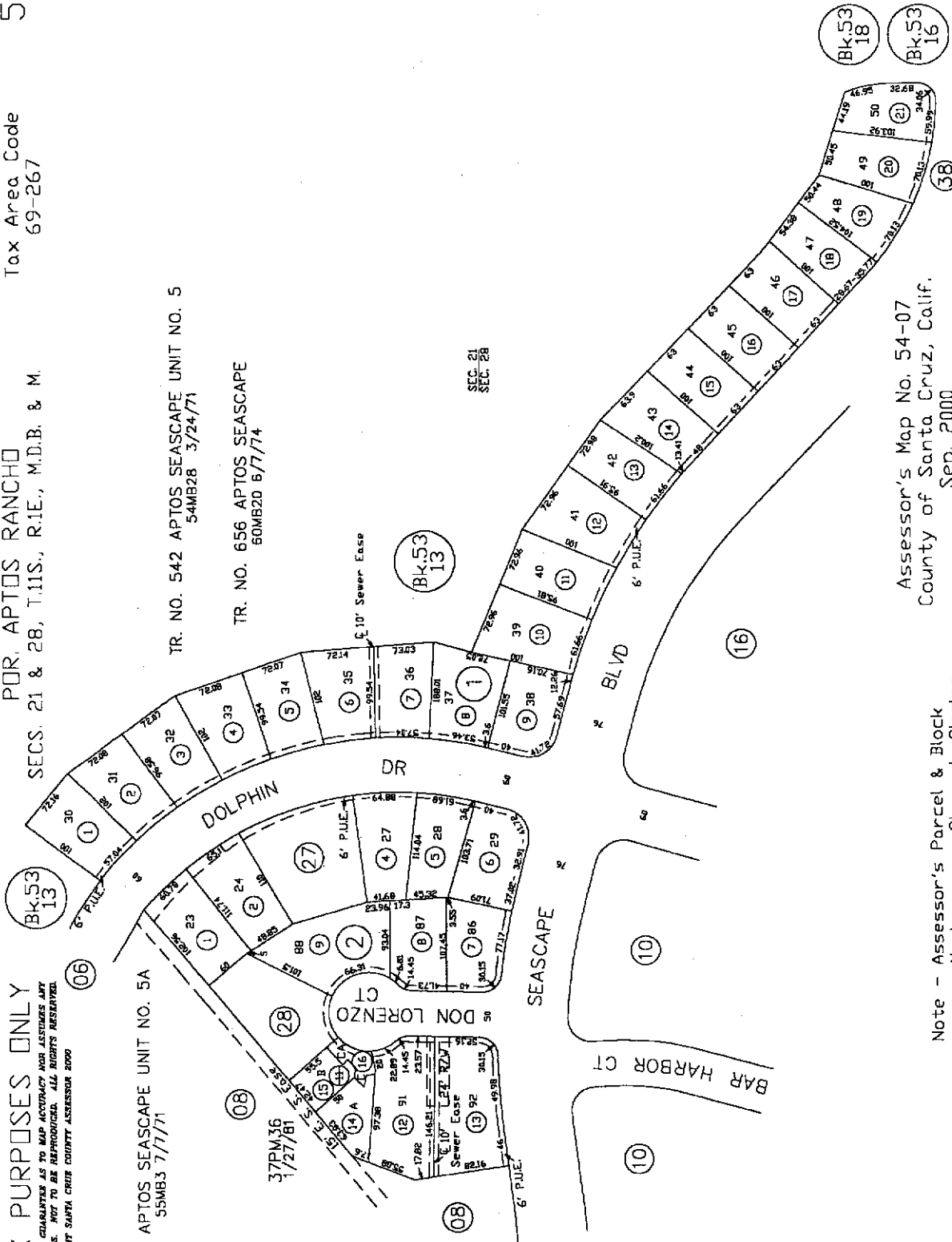
54-07



TR. NO. 555 APTOS SEASCAPE UNIT NO. 5A
55MB3 7/1/71

TR. NO. 542 APTOS SEASCAPE UNIT NO. 5
54MB28 3/24/71

TR. NO. 656 APTOS SEASCAPE
60MB20 6/7/74



Assessor's Map No. 54-07
County of Santa Cruz, Calif.
Sep. 2000

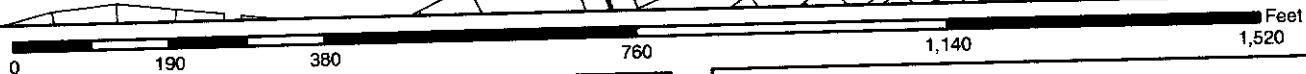
Note - Assessor's Parcel & Block
Numbers are Shown in Circles.

SEC. 21
SEC. 28




Electronically redrawn 9/25/00 KSA
Rev. 6/15/01 (new changed page 100)
Rev. 7/15/03 (new added Tr. 542 APTOS Seascape)

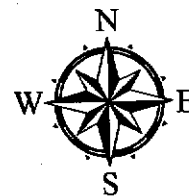


Location Map



LEGEND

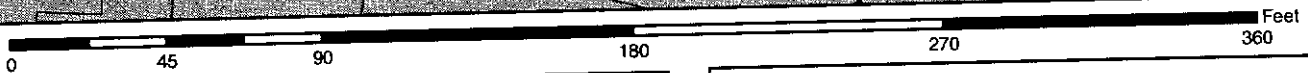
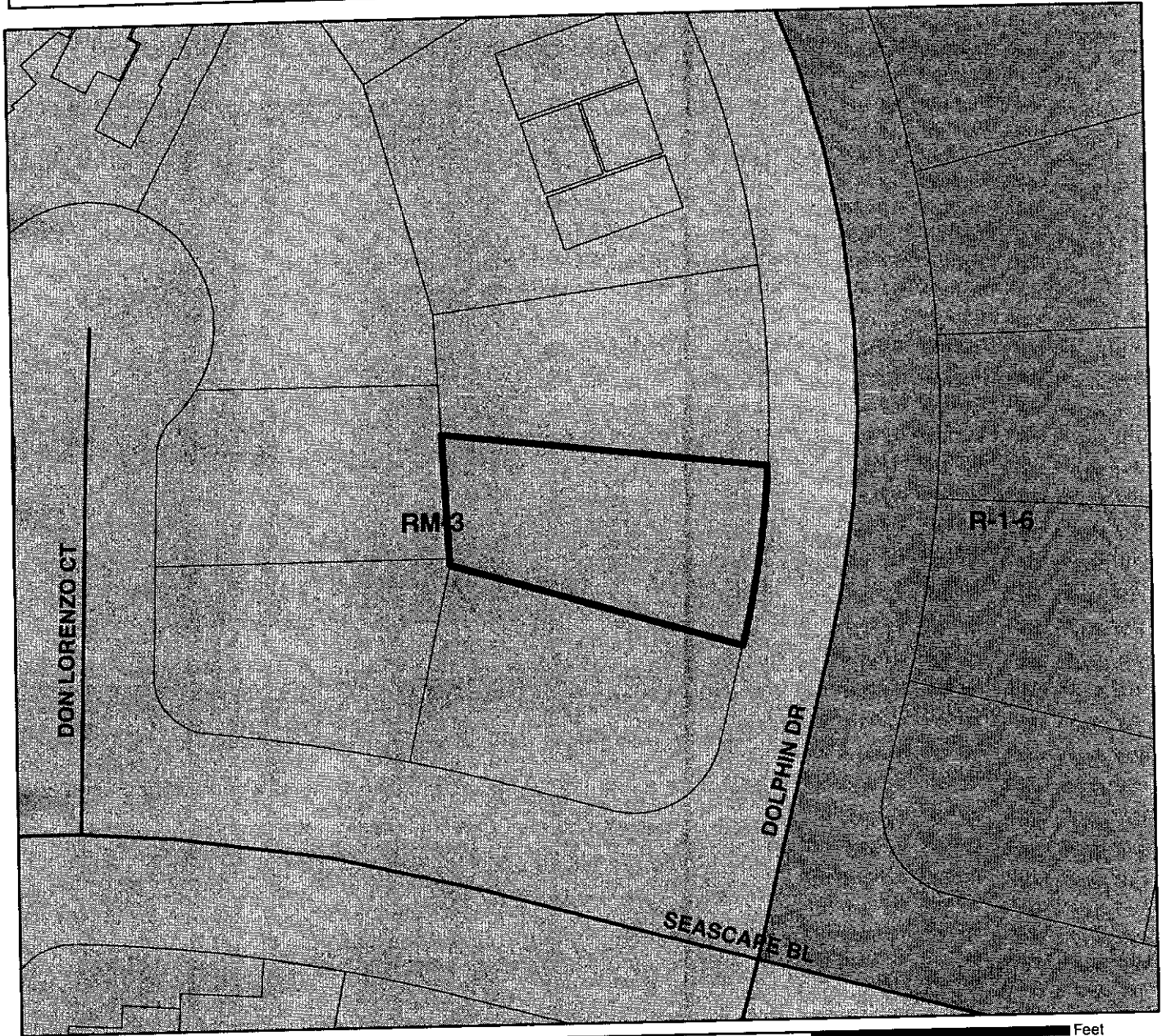
-  APN: 054-072-05
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
September 2008

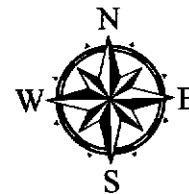


Zoning Map



LEGEND

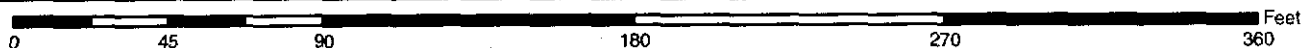
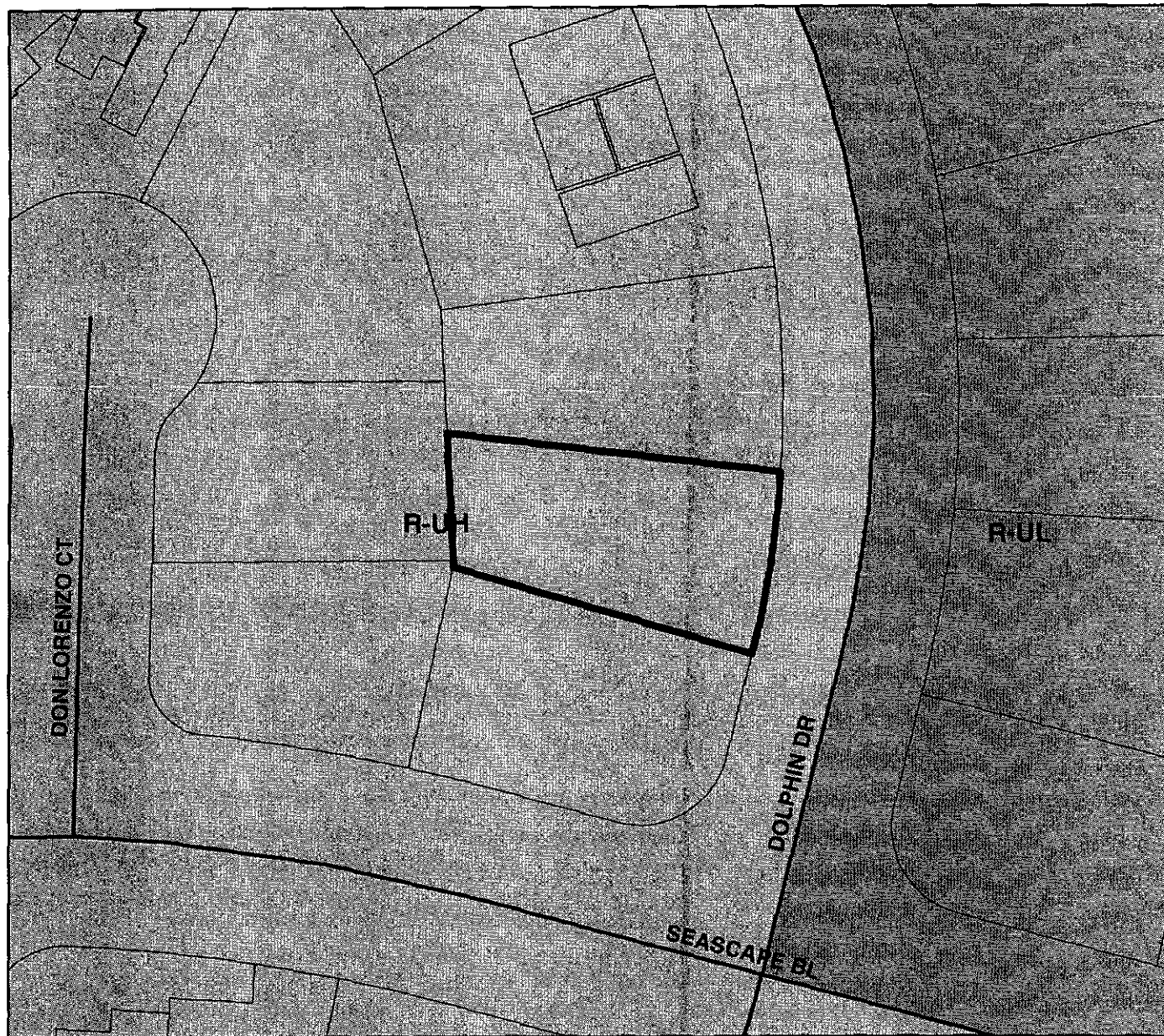
-  APN: 054-072-05
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-MULTI FAMILY
-  RESIDENTIAL-SINGLE FAMILY








Map Created by
County of Santa Cruz
Planning Department
September 2008

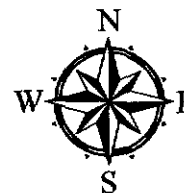


General Plan Designation Map



LEGEND

-  APN: 054-072-05
-  Assessors Parcels
-  Streets
-  Residential - Urban High Density
-  Residential - Urban Low Density



Map Created by
County of Santa Cruz
Planning Department
September 2008



Santa Cruz County Sanitation District

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060-4073
(831) 454-2160 FAX (831) 454-2089 TDD: (831) 454-2123

THOMAS L. BOLICH, DISTRICT ENGINEER

August 29, 2008

HALLIE NEUWIRTH
1980 Dolphin Drive
Aptos, CA 95003

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE
FOR THE FOLLOWING PROPOSED DEVELOPMENT:

APN: 054-072-05 APPLICATION NO.: NONE
PARCEL ADDRESS: 1984 DOLPHIN DRIVE, APTOS
PROJECT DESCRIPTION: REPLACE EXISTING DUPLEX

Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.

HALLIE NEUWIRTH

Page -2-

The plan shall show all existing and proposed plumbing fixtures on floor plans of building application. Completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.

Yours truly,

THOMAS L. BOLICH
District Engineer

By: *Rachél Lather*

Rachél Lather
Senior Civil Engineer

CML:bbs/182.wpd

(REV. 3-01)



Board of Directors
Bruce Daniels, *President*
Dr. Thomas R. LaHue, *Vice President*
Dr. Don Hoernschemeyer
Dr. Bruce Jaffe
Daniel F. Kriege

Laura D. Brown, *General Manager*

August 14, 2008

County of Santa Cruz Planning Department
701 Ocean St., Ste. 410
Santa Cruz, CA 95060-4073

Subject: Water Service for 1980 & 1984 Dolphin Dr., Aptos (APN 054-072-05)

Dear County Planner:

The duplex addressed as 1980 & 1984 Dolphin Dr., Aptos owned by Hallie Neuwirth is currently served by the Soquel Creek Water District. At this time, the District does not require the units to be individually metered. If you have any questions, please feel free to contact me at (831) 475-8500 ext. 123.

Sincerely,

Soquel Creek Water District

A handwritten signature in black ink, appearing to read 'Jeffery N. Gailey'.

Jeffery N. Gailey
Engineering Manager/Chief Engineer

JNG:ccc

cc: Hallie Neuwirth