



## Staff Report to the Zoning Administrator

Application Number: **04-0331**

**Applicant:** Richard Emigh  
**Owner:** Curtis and Mae Miller  
**APN:** 027-111-27

**Agenda Date:** June 3, 2005  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to demolish 26 sq. ft. of the rear of the garage, to demolish 18 sq. ft. of the side of a non-conforming residence and construct 649 sq. ft. second story addition.

**Location:** 355 Ninth Avenue, Santa Cruz

**Supervisory District:** First District (District Supervisor: Janet K. Beautz)

**Permits Required:** Coastal Development Permit, Residential Development Permit

### Staff Recommendation:

- Approval of Application 04-0331, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

### Exhibits

- |    |  |    |                                    |
|----|--|----|------------------------------------|
| A. | Project plans                              | F. | General plan map                   |
| B. | Findings                                   | G. | Zoning map                         |
| C. | Conditions                                 | H. | Photos                             |
| D. | Categorical Exemption (CEQA determination) | I. | Discretionary Application Comments |
| E. | Location map                               |    |                                    |

### Parcel Information

Parcel Size:	2,800 sq. ft.
Existing Land Use - Parcel:	Single family dwelling
Existing Land Use - Surrounding:	residential
Project Access:	Ninth Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UH (Residential Urban High Density)
Zone District:	R-1-3.5 (3,500 sq. ft. min. site area)
Coastal Zone:	<u>X</u> Inside <u>  </u> Outside
Appealable to Calif. Coastal Comm.	X Yes            No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 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  
Traffic: N/A  
Roads: Existing roads adequate  
Parks: Existing park facilities adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

The assessor's record indicates that the original structure was built in 1949, the main building was 816 sq. ft. and the garage was 287 sq. ft.

### 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.

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.

### Zoning & General Plan Consistency

The subject property is a 2,800 square foot lot, located in the R-1-3.5 (3,500 sq. ft. min. site area) zone district, a designation that allows residential **uses**. The proposed remodel and addition to a single family dwelling is a principal permitted use within the zone **district** and the project is consistent with the site's (R-UH) Residential Urban High Density General Plan designation.

	<b>R-1-3.5</b>	<b>Existing Residence</b>	<b>Proposed Residence</b>
<b>Frontyard setback:</b>	15 feet  (20 feet to front of garage)	14'-10" <i>(nonconforming)</i>  8'-10" to front of garage <i>(nonconforming)</i>	14'-10" <i>(nonconforming)</i>  8'-10" to front of garage <i>(nonconforming)</i>
<b>Sideyard setback:</b>	5 feet / 5 feet	3'-4" / 1'-4" <i>(nonconforming)</i>	3'-4" / 1'-4" <i>(nonconforming)</i>
<b>Lot</b>	<b>40 %</b>	29.4 %	28.4%
<b>Building Height:</b>	28 feet maximum	?	25'-9"
<b>Floor Area Ratio (F.A.R.):</b>	0.5:1 maximum (50 %)	29.4 %	49.96%
<b>Parking</b>	2 bedrooms – 3 (18' x 8.5')	one in garage <i>(nonconforming)</i>	one in garage <i>(nonconforming)</i>

While the existing residence is non-conforming as shown in the table above, it should be noted that the second floor addition is conforming with regard to setbacks, and the remodeled residence will be under the maximums for Floor Area Ratio and Lot Coverage.

### Design Review

The proposed single family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as a stepped back second floor to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

### Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban *Services* line, is already served by existing water and sewer utilities, and no change of use is proposed.

### 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

- APPROVAL of Application Number 04-0331, based on the attached findings and conditions.
  - a Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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

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## 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-1-3.5 (3,500 sq. ft. min. site area), a designation that allows residential uses. The proposed remodel and addition to a single family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UH) Residential 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 development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

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

**This** finding **can** be made, in that the project site is not located between the shoreline and the first public road. Consequently, the 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-1-3.5 (3,500 sq. ft. min. site area) 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 vary widely in the area, and the design submitted is not inconsistent with the existing range.

## Development Permit Findings

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

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 Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed remodel and addition to a single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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 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-1-3.5 (3,500 sq. ft. min. site area) zone district in that the primary use of the property will be one single family dwelling that meets all current site standards for the zone district.

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 Residential Urban High Density (R-UH) land use designation in the County General Plan.

The proposed remodel and addition to a 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 for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the proposed remodel and addition to a single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

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 the site standards for the R-1-3.5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a

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design that could be approved on any similarly sized lot in the vicinity.

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 this is a remodel and addition to an existing single family dwelling.

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 remodel and addition to a 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.

## Conditions of Approval

Exhibit **A** Drawings prepared by Richard Emigh, as revised February 10, 2005

- I. This permit authorizes the construction of a remodel and addition to a non-conforming single family dwelling. 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.
  - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building 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. 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. The final plans shall include the following additional information:
    1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
    2. Grading, drainage, and erosion control plans.
    3. Details showing compliance with fire department requirements.
  - C. 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.
  - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - E. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. 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.
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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

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

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

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

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Lawrence Kasparowitz  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: **04-0331**

Assessor Parcel Number: **027-1 11-27**

Project Location: **355 Ninth Avenue, Santa Cruz**

Project Description: Proposal to demolish **26 sq. ft.** of the rear of the garage, to demolish **18 sq. ft. of** the side of a non-conforming residence and construct **649 sq. ft. second story** addition.

Person or Agency Proposing Project: **Richard Emigh**

Contact Phone Number: **(831) 479-1452**

- 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: Class **3** - New Construction or Conversion of Small Structures (Section **15303**)

F. Reasons why the project is exempt:

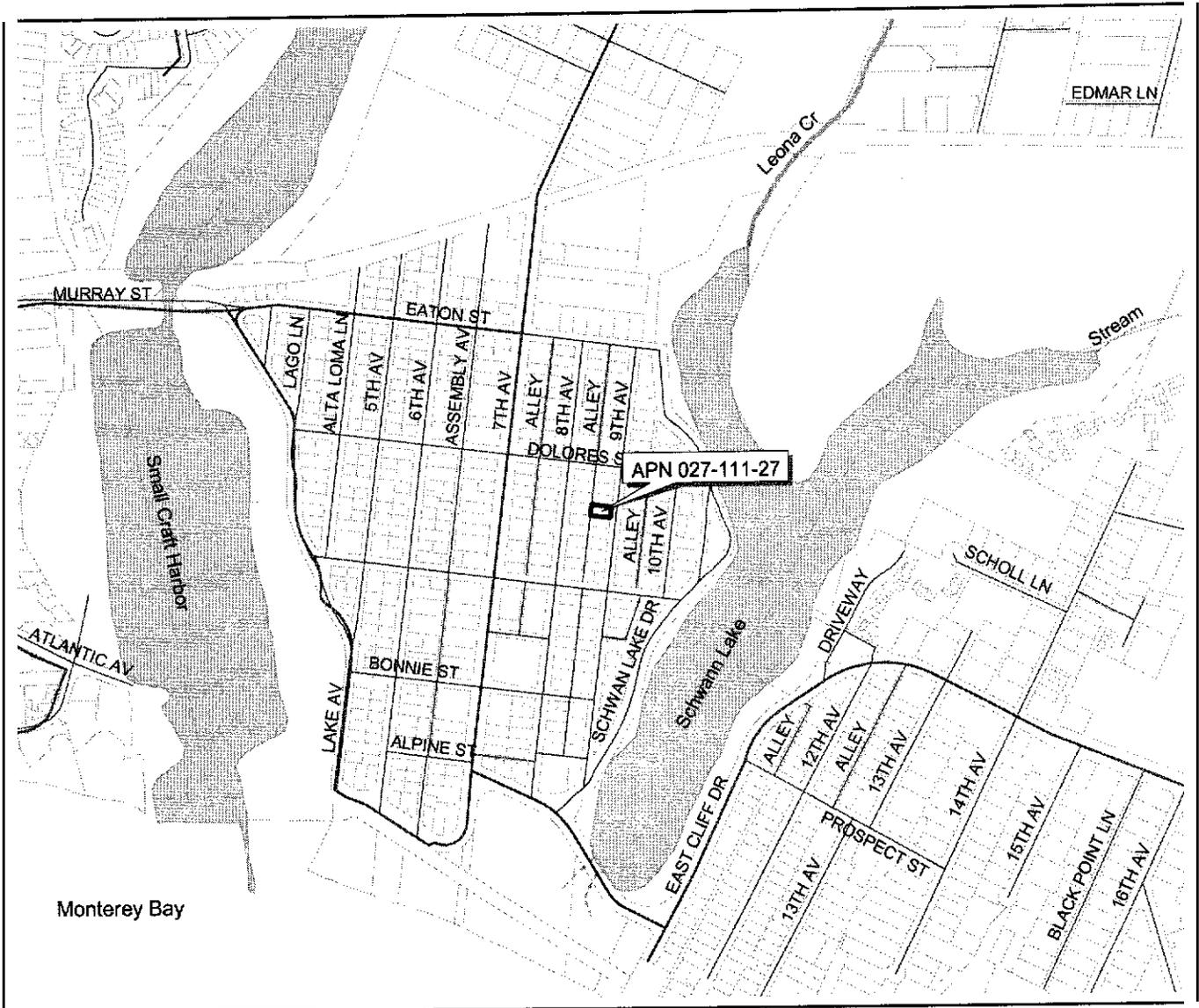
New single family dwelling in a developed **area**.

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

\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner

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

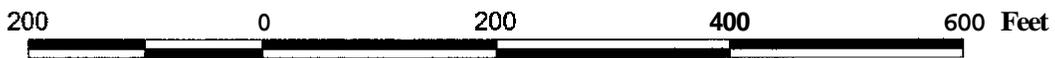
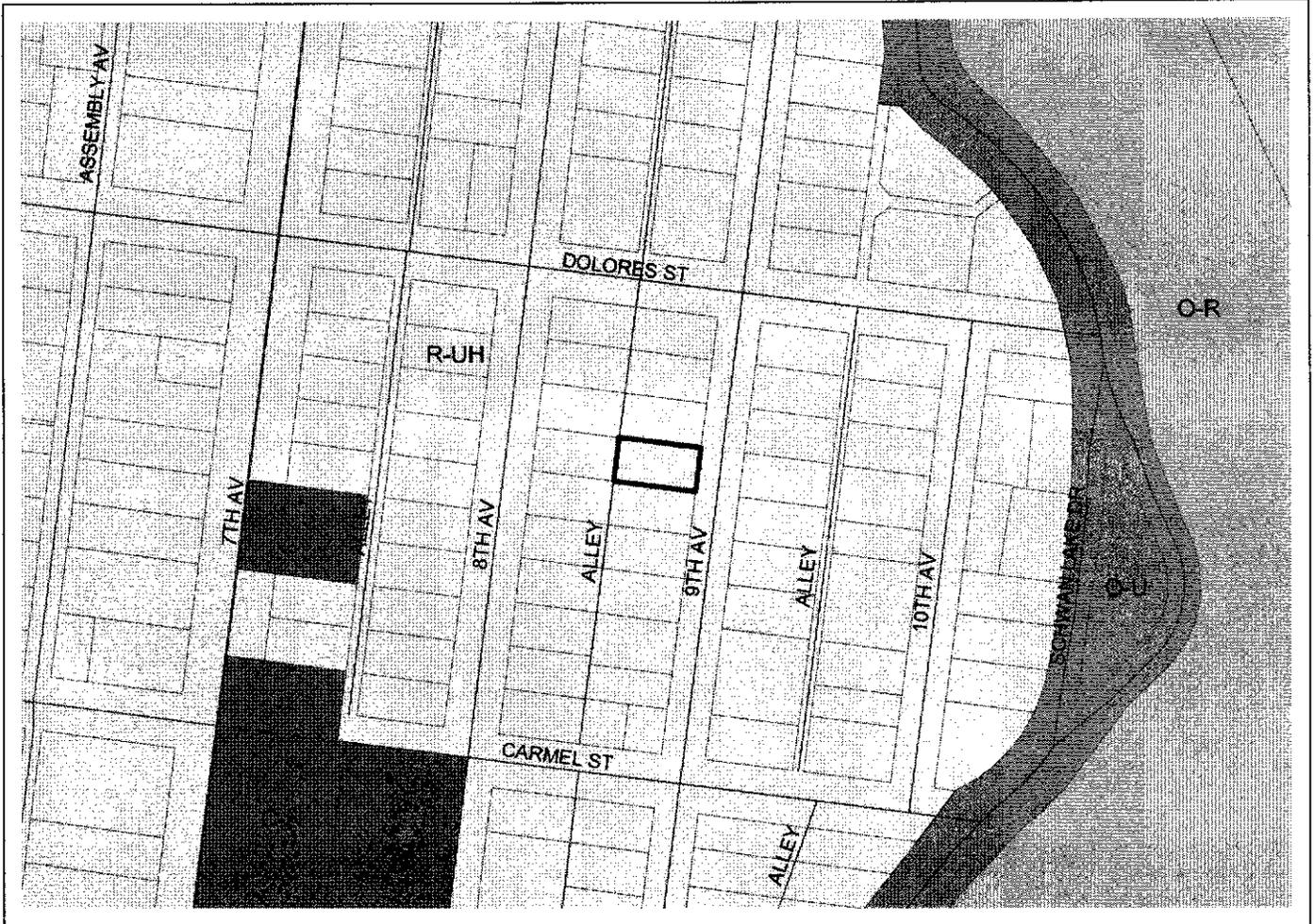
# Location Map



Map created by Santa Cruz County  
Planning Department:  
July 2004



# General Plan Map



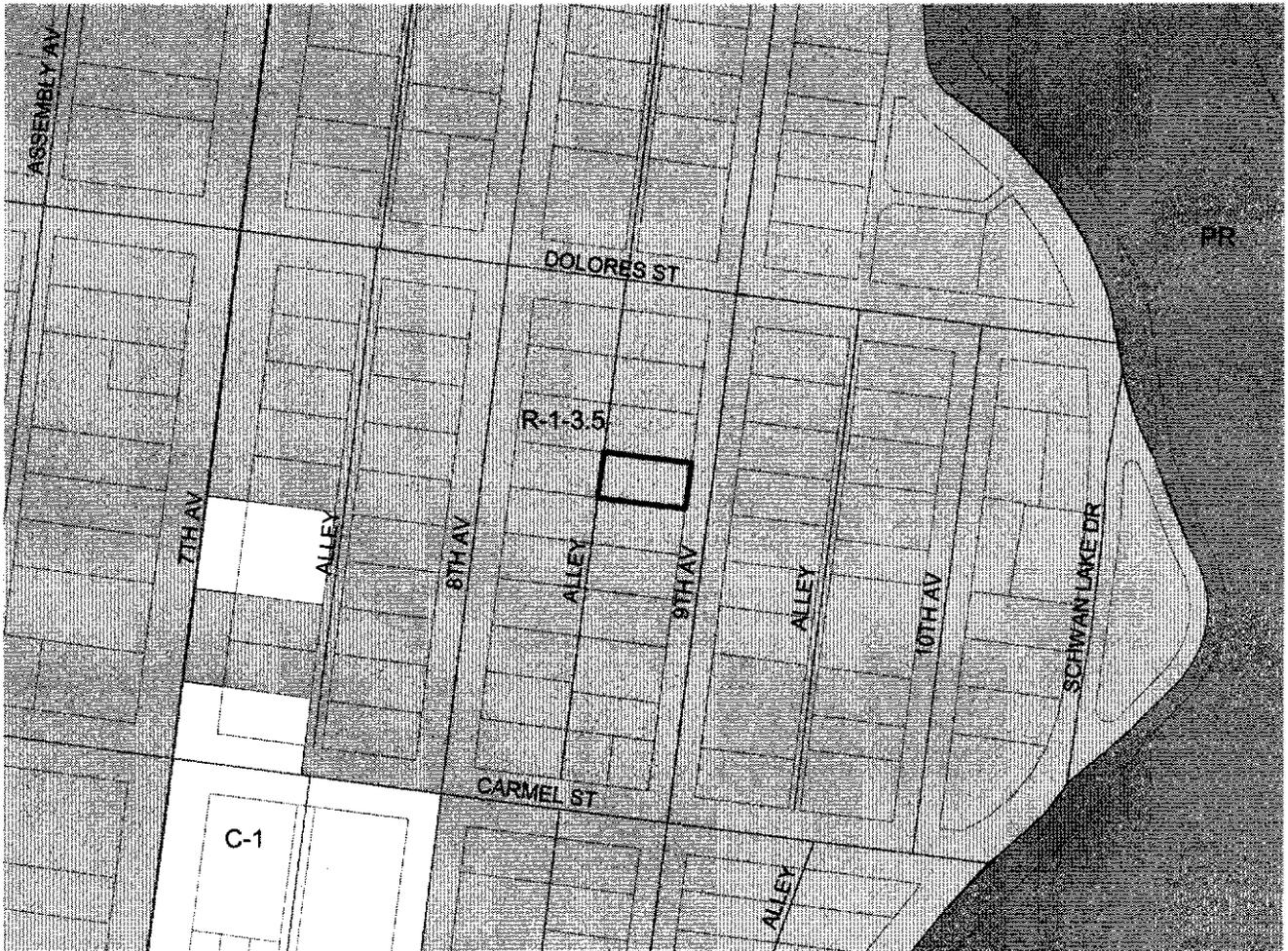
## Legend

	APN 027-111-27
	Streets
	Neighborhood Commercial
	Urban Open Space
	Parks and Recreation
	Residential - Urban High Density

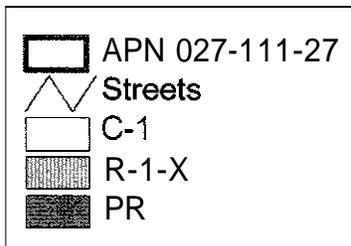


Map created by Santa Cruz County  
Planning Department:  
July 2004

# Zoning Map



## Legend



Map created by Santa Cruz County  
Planning Department:  
July 2004



EXHIBIT H

C O U N T Y   O F   S A N T A   C R U Z  
Discretionary Application Comments

Project Planner: Larry Kasparowitz  
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Date: May 17, 2005  
Time: 16:44:25  
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JULY 26, 2004 BY JESSICA L DEGRASSI =====  
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JULY 26, 2004 BY JESSICA L DEGRASSI =====  
NO COMMENT

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY  
===== REVIEW ON AUGUST 12, 2004 BY JOHN G LUMICAO =====  
NO COMMENT

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY  
===== REVIEW ON AUGUST 12, 2004 BY JOHN G LUMICAO ===== Be sure to include information on the building plans that describes the routing of runoff leaving the parcel boundaries in concentrated flow. This description should be to a safe and adequate point of downstream disposal.