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## Staff Report to the Zoning Administrator

Application Number: **05-0525**

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**Applicant:** Dee Murray  
**Owner:** Thomas Darbonne  
**APN:** 032-082-07

**Agenda Date:** June 2, 2006  
**Agenda Item #:** 7  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to recognize the conversion of non-habitable area (garage and storage loft) to habitable space, to convert an unpermitted triplex back to a duplex with two bedrooms each and add new dormers at the existing second story on a legal, nonconforming duplex with two bedrooms per unit.

**Location:** The property is located on the **west** side of 37<sup>th</sup> Avenue about 460 feet south of the intersection with Portola Drive, at 681 37<sup>th</sup> Avenue, Live Oak.

**Supervisory District:** First District (District Supervisor: Beautz)

**Permits Required:** Residential and Coastal Development Permits

### Staff Recommendation:

- Certification that the proposal is categorically exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0525, 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) |    |                           |

### Parcel Information

Parcel Size:	8,129 square feet
Existing Land Use - Parcel:	Nonconforming duplex converted to unpermitted triplex
Existing Land Use - Surrounding:	Single family residential, non-conforming multi-family dwelling groups
Project Access:	37 <sup>th</sup> Avenue
Planning Area:	Live Oak

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County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Land Use Designation: R-UM (Residential Urban Medium)  
Zone District: **K-1-5** (Single Family Residential, 5,000 square foot lot size)  
Coastal Zone: XX Inside \_\_\_ Outside  
Appealable to Calif. Coastal Comm. XX\* Yes \_\_\_ No \*Use is not a principal use

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: Level  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: Trees less than 20 inches 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: XX Inside \_\_\_ Outside  
Water Supply: City of Santa Cruz  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire  
Drainage District: Zone 5

### History

The original structure was built in 1942. In 1987, Residential and Coastal Development Permits were issued under Permit 87-0285 to recognize this nonconforming duplex and allow the construction of a two-story addition to each unit that included a on the second floor, 3-car garage, laundry and storage area. At the time of the 1987 application, the subject parcel was zoned R-1-4, and the proposed structure appeared to meet the R-1-4 site development and density standards (1 unit per 4,000 square feet of net site area). A subsequent building permit was issued in 1996, authorizing the addition of two full bathrooms and two closets in existing bedrooms, noting that all work to be on the upper floor. The original permit, however, showed the bedrooms on the lower floor. The Planning Department received a complaint in 2004, that the garage had been converted into habitable space and the structure remodeled to create an unpermitted third unit and that a detached structure had been constructed. Code Compliance staff verified this complaint and issued a red tag on 8/31/04.

### Project Setting

The project is located within the Coastal Residential Exclusion area. The neighborhood is predominantly single family residential, but has some multi-family development (duplexes, triplexes, two unit dwelling groups) scattered throughout. Most of the structures were built in the late 1940's

and early 1950's there are only a few homes that are either older or newer than the '40s and 50's in this neighborhood. The site is generally level with the existing structure, paving and some landscaping. The applicant seeks to recognize the area converted from non-habitable (garage) to habitable use and remove the kitchen of the illegal third unit and remodel the structure to result in an enlarged duplex with two bedrooms each, demolish the unpermitted detached structure and replace it with a smaller laundry/storage shed.

### **Zoning & General Plan Consistency**

The subject property is an 8,129 square foot lot, located in the R-1-5 (Single Family Residential, 5,000 square foot lot size) zone district, a designation, which allows residential uses. The proposed residential development is a legal nonconforming use within the zone district. At the time of the use approval for the duplex, the density was consistent with that of the R-1-4 zoning. Specifically, the project met the density of one dwelling unit per 4,000 square feet of net parcel area. The zoning has since changed to R-1-5 and the parcel does not contain 10,000 square feet of net site area. Therefore, the development is now non-conforming with respect to the zone district density. The General Plan land use designation is R-UM. The development density range for R-UM land is 7.3 to 10.8 units per developable acre. The density of the duplex use is 10.7 units per developable acre, which is consistent with the site's (R-UM) Residential Urban Medium General Plan designation.

The existing structure is non-conforming with respect to the front yard setback (17 feet, 11 inches where 20 feet is required) and one side yard setback (3 feet where 5 feet is required). The converted non-habitable to habitable space and the proposed dormers meet all of the required setbacks.

Since the duplex is legal, nonconforming, the proposed expansion of the structure and use are regulated by Section 13.10.261 of the County Code. The third column of Table 3 of Section 13.10.261 applies to this application. Specifically, extending the use (duplex) throughout the building is allowed with an Amendment of the Development Permit per County Code Section 18.10.134, however, no intensification is permitted. For residential development, intensification is defined as the addition of rooms meeting the definition of a bedroom (13.10.700-B). In other words, the conversion of the non-habitable areas (garage and storage loft) is allowed with an amendment to the residential development permit (Level 5) as long as no additional units and/or bedrooms result (intensification).

Code Section 13.10.261(d) specifies the permitting of expansion and repairs of dwelling groups where one unit is designated as conforming and the other(s) as nonconforming. It is staff's opinion that this designation is not appropriate for this development since the units are not detached and it would be difficult if not impossible to have structural alterations or repairs on one unit without affecting the other. Thus, review and amendment of the use permit would be required for future repairs, remodeling and/or expansion of either or both units. Given the nonconformity with the use (multi-family versus single family), site standards (front and one side yard) and zoning density (unit/4,000 sq. ft. versus unit/5,000 sq. ft.), this level of review is appropriate for this development.

The existing structure covers 29.17% of the parcel area and 30% lot coverage is allowed. The proposed 120 square foot storage unit would exceed the 30% lot coverage. Storage space was lost through the conversion of the garage and storage loft to habitable space, thus the variance findings could not be made for this structure as the need for this structure is self-imposed. The duplex

structure could be modified to provide additional storage, if this is a critical need. In addition, **the** construction of this structure would further reduce the landscaping and open areas. Therefore, the non-habitable accessory structure is specifically excluded in the conditions of approval. The conversion of the garage area to habitable space and the construction of the dormers will increase the floor area ratio slightly. Nevertheless, the proposed floor area of 39.9% is well under the 50% maximum. The required on-site parking for two, 2-bedroom dwelling units is six spaces (8.5 feet x 18 feet), and six spaces are provided on the site plan.

### **Local Coastal Program Consistency**

The proposed residential development is in conformance with the County's certified Local Coastal Program, in that this is an existing structure with the only externally visible changes being the proposed dormers on the second story. There is existing, nonconforming multi-family development scattered throughout the neighborhood. Thus, the conversion of the illegal triplex, back to a legal, nonconforming duplex is consistent with the existing pattern of development in the neighborhood. 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.

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP with respect to nonconforming uses and structures. 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 **05-0525**, based on the attached findings and conditions.

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

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

Report Prepared By: Cathleen Carr  
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Santa Cruz CA 95060  
Phone Number: (831) 454-3225  
E-mail: [cathleen.carr@co.santa-cruz.ca.us](mailto:cathleen.carr@co.santa-cruz.ca.us)

## Coastal Development Permit Findings

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

The use is non-conforming with respect to the zone district in that single family residential uses are the principal use of the R-1-5 zone district. However, the duplex is a legal, nonconforming use permitted by Residential and Coastal Development Permit 87-0285. The proposed conversion of non-habitable space (garage and storage loft) to habitable space is not an intensification of use in that the number of bedrooms will not be increased over the number (two per unit) that is the original use approval and is consistent with County Code Section 13.10.261 which specifies the modifications that are allowed to nonconforming residential dwelling groups and the level of review required. The density of development (one dwelling unit per 10.7 net developable acre) is within the 7.3 to 10.8 units per developable acre density range specified by the Residential Urban Medium (R-UM) 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 structure is an existing structure built in 1942, with a subsequent addition in 1986. The proposed project would add to dormers to the second story roofline, otherwise the structure would remain unchanged. The surrounding development is predominantly single family dwellings with some scattered parcels with multiple dwelling units. The majority of the structures in the neighborhood were built in the 1940's and 1950's and the subject structure was built in 1942. The development is consistent with the pattern and style of development in the surrounding neighborhood. 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 minor modifications (dormers and conversion of non-habitable to habitable space) to the residential dwelling group 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 will only undergo minor modifications that include changes to the use of existing square footage and the addition of two dormers in the second story. The existing structure was built in the same era as the majority of the neighborhood. In addition, the neighborhood has nonconforming residential dwelling groups scattered through the neighborhood. Thus, the development is consistent with the character of the surrounding neighborhood.

### **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 residential development will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the additions (new dormers) meets all current setbacks that ensure access to light, air, and open space in the neighborhood with the remainder of the remodeling will be within the existing footprint of the structure and is nonstructural.

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.

The use is non-conforming with respect to the zone district in that single family residential uses are the principal use of the R-1-5 zone district. However, the duplex is a legal, nonconforming use permitted by Residential and Coastal Development Permit 87-0285. The proposed expansion of the structure and use are regulated by Section 13.10.261 of the County Code and extending the use (duplex) throughout the building is allowed with an Amendment of the Development Permit per County Code Section 18.10.134, provided there is no intensification of use. For residential development, intensification is defined as the addition of rooms meeting the definition of a bedroom (13.10.700-B). The proposed conversion of non-habitable space (garage and storage loft) to habitable space is not an intensification of use in that the number of bedrooms will not be increased over the number (two per unit) that is the original use approval and is consistent with County Code Section 13.10.261 which specifies the modifications that are allowed to nonconforming residential dwelling groups and the level of review required. Therefore, the proposal as conditioned is consistent with pertinent ordinances on nonconforming uses. The conversion of non-habitable space

to habitable space and the two new dormers will increase the floor area ratio slightly. Nevertheless, the proposed floor area ratio of 39.9% is well below the 50% maximum allowed in the R-1-5 zone district. The existing structure at 29.9% lot coverage is just under the 30% maximum allowed. The proposed non-habitable accessory structure would exceed the allowed lot coverage and is therefore specifically excluded in the conditions of approval. The proposed dormers will meet all of the required setbacks and the height maximum (28 feet) for the R-1-5 zone district. The required parking for two, two-bedroom dwelling units is 3 spaces per unit for a total of six on-site parking spaces. The proposed project shows that six parking spaces meeting County Code Section 13.10.552 will be provided.

This finding can be made, in that the legal nonconforming duplex will not generate any additional traffic in that no additional bedrooms are proposed. The required on-site parking of six spaces will be provided.

**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 structure is an existing structure built in 1942, with a subsequent addition in 1986. The proposed project would add to dormers to the second story roofline, otherwise the structure would remain unchanged. The surrounding development is predominantly single family dwellings with some scattered parcels with non-conforming multiple dwelling units. The majority of the structures in the neighborhood were built in the 1940's and 1950's, and the subject structure was built in 1942. The development is consistent with the pattern and style of development in the surrounding neighborhood.

## Conditions of Approval

Exhibit A: Project Plans prepared by Pam Días, last revised 7/25/05

- I. This permit authorizes the conversion of non-habitable area (garage and storage loft) to habitable space (to be recognized), to convert an unpermitted triplex back to a duplex with two bedrooms each and to add new dormers at the existing second story, to remove a spiral staircase on a legal, nonconforming duplex with two bedrooms per unit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicantowner 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, if required.
  
- II. Prior to issuance of a Building Permit the applicantowner 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, **with the exception that the detached storage building shall be deleted, the two-foot wall at the "breakfast nook" shall be deleted.** 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. 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. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, 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.

3. Provide details of on-site parking and improvements

- C. 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.
  - D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District, if required.
  - E. Provide required off-street parking for six (6) cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - F. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
  - G. Complete and record a Declaration of Restriction to maintain a non-conforming duplex with 2 bedrooms per unit. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- IV. Operational Conditions
- A. The number of bedrooms shall not exceed two per unit with a maximum of two units.
  - B. No unit shall be advertised, leased, rented or otherwise represented as anything but a two-bedroom unit.
  - C. Leases/rental agreements shall stipulate that a maximum of two adults are allowed to reside in a unit.
  - D. A minimum of six (6) off-street parking spaces shall be maintained on site. Parking spaces must be 8.5 feet wide by 18 feet long.
  - E. Any modifications to the floor plans, use or additions of structures or square footage

shall require an Amendment to this Use Approval.

- F. All landscaping shall be permanently maintained.
  - G. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
  - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
    - 1. COUNTY bears its own attorney’s fees and costs; and
    - 2. COUNTY defends the action in good faith.
  - C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
  - D. Successors Bound. “Development Approval Holder” shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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

Application # 05-0525  
APN: 032-082-07  
Owner: Thomas Darbonne

**Please note: This permit expires on the expiration date listed below unless you obtain the required permits and commence construction.**

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

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

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

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Don Bussey  
Deputy Zoning Administrator

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Cathleen Carr  
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: 05-0525  
Assessor Parcel Number: 032-082-07  
Project Location: 681 37th Avenue

Project Description: Proposal to recognize th conversion of non-habitable area (garage and storage loft) to habitable space, to convert an unpermitted triplex back to a duplex with two bedrooms each and add new dormers at the existing second story on a legal, nonconforming dwelling group (duplex).

Person or Agency Proposing Project: Dee Murray

Contact Phone Number: (831) **475-5334**

- 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:

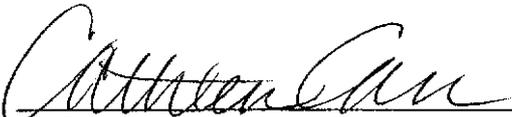
- E.  Categorical Exemption

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

F. Reasons why the project is exempt:

Proposal to recognize an existing commercial landscape business in an area designated for commercial uses.

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

  
Cathleen Carr, Project Planner

Date: 5/23/04

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 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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POR. RANCHO ARROYO DEL RODEO  
 NE. 1/4 SEC. 21, T. 11S, R. 1W, M.D.B.&M.

Tax Area Code  
 82-040

32-08

THIRTY-EIGHTH

SANB13  
 12/16/89

(05)

(09)

(30) (31)

(09)

(18)



PORTOLA

(04)

BRRS23  
 5/9/94

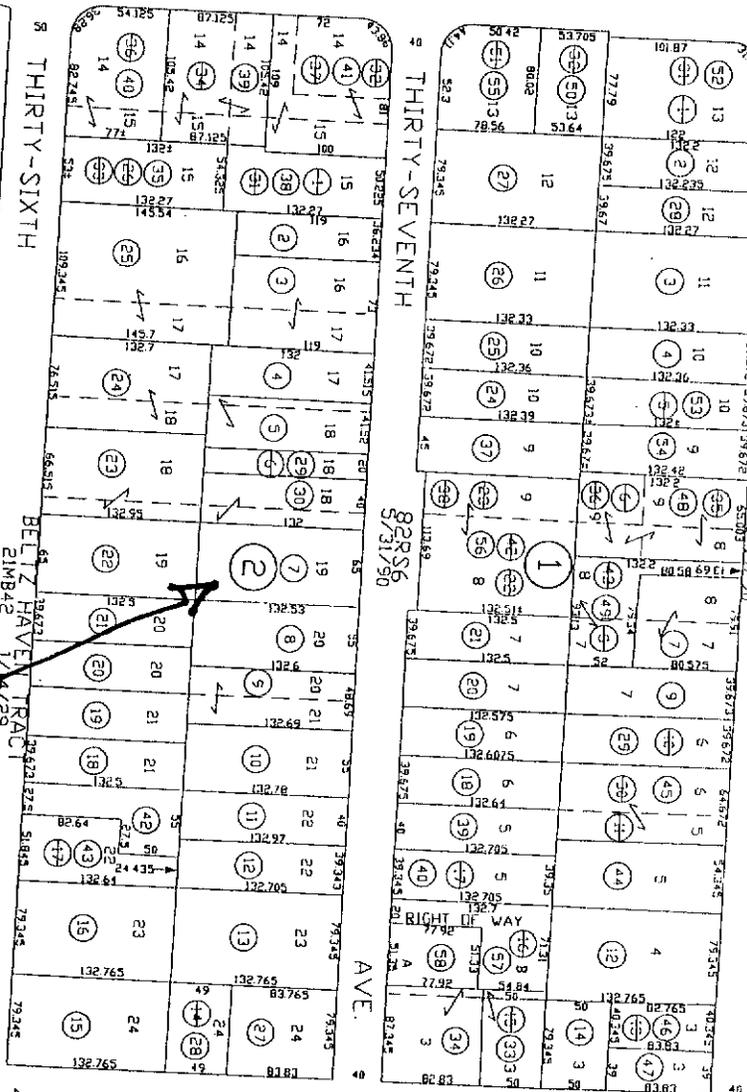
THIRTY-SEVENTH

BRRS6  
 5/31/90

AVE.

FLORAL

SOPM25  
 8/2/85



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

Subject Parcel

REVISED  
 DATE  
 OLD MAP NO.

Assessor's Map No. 32-08  
 County of Santa Cruz, Calif.  
 August, 1996

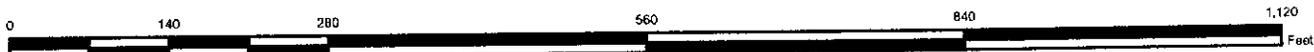
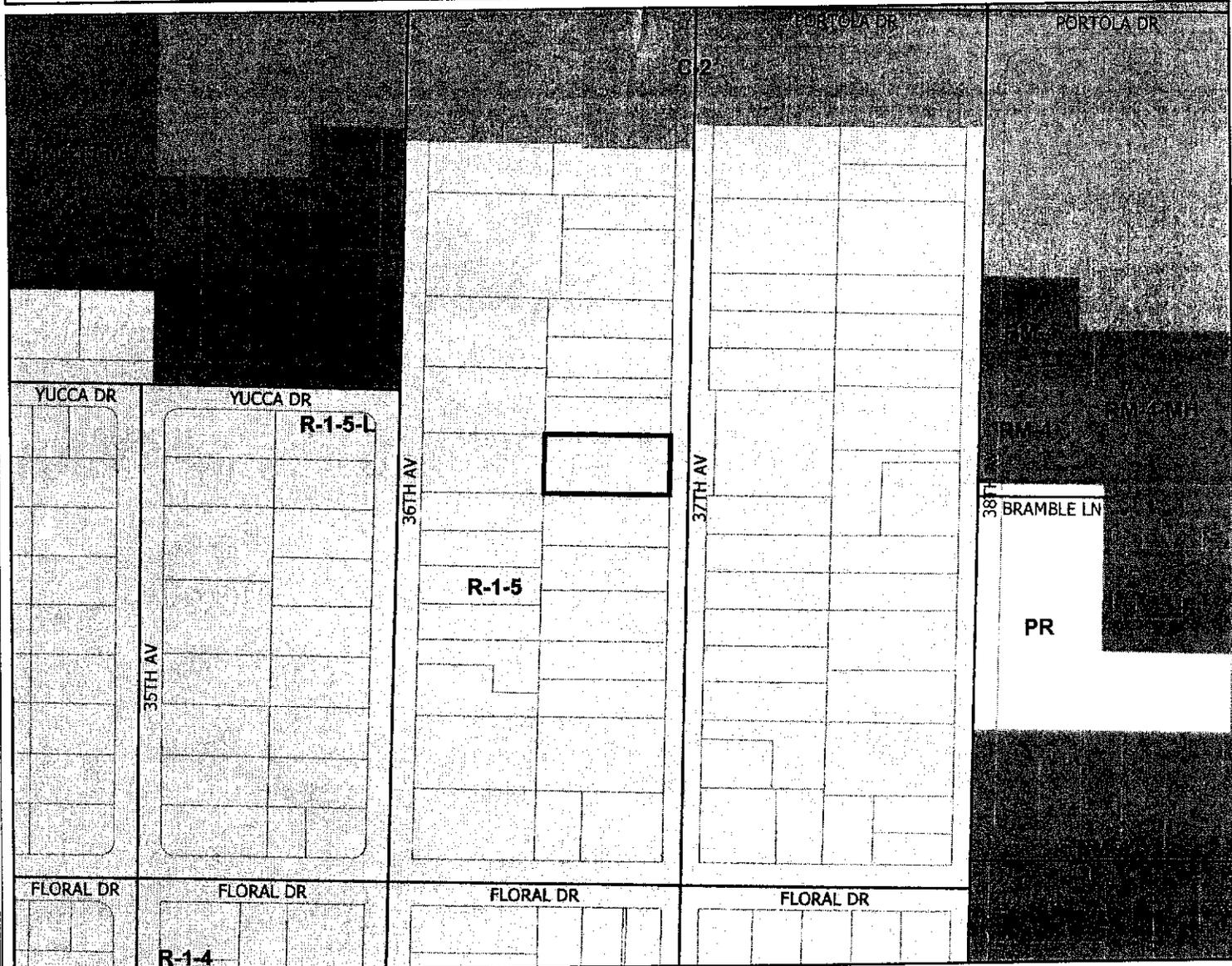
13

Assessor's Parcel Map

EXHIBIT

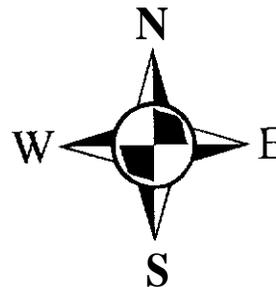


# Zoning Map



## Legend

-  APN 032-082-07
-  Streets
-  Assessors Parcels
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  COMMERCIAL-COMMUNITY (C-2)
-  PARK (PR)



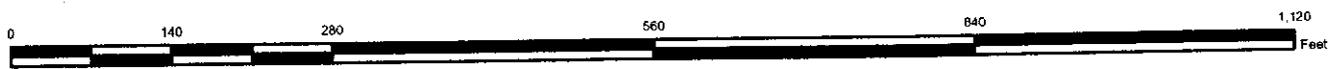
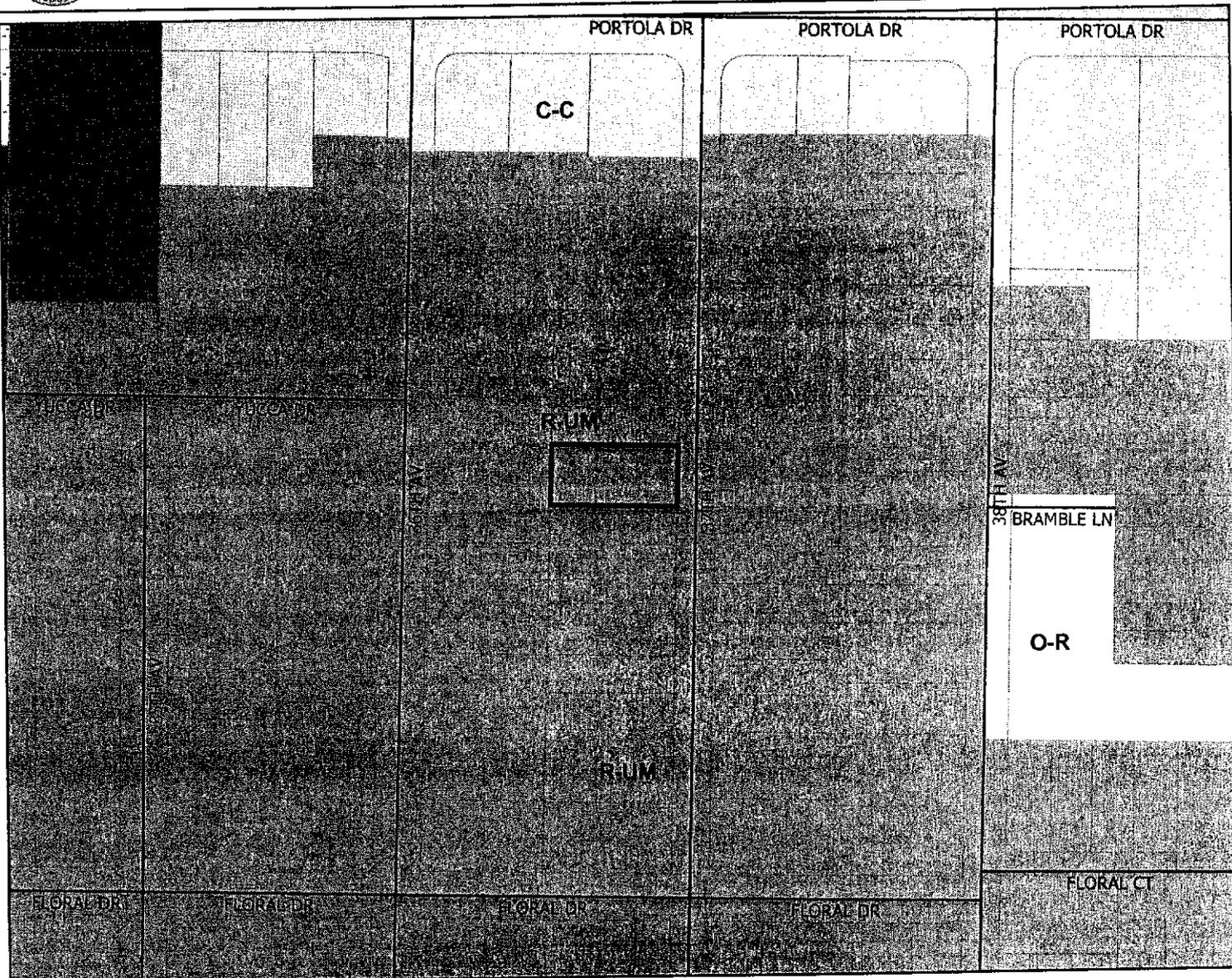
Map Created by  
County of Santa Cruz  
Planning Department  
August 2005

14

EXHIBIT F

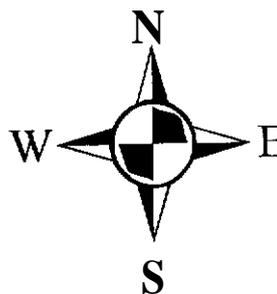


# General Plan Designation Map



## Legend

-  APN 032-082-07
-  Streets
-  Assessors Parcels
-  Commercial-Community (C-C)
-  Residential - Urban Medium Density (R-UM)
-  Residential - Urban High Density (R-UH)
-  Parks and Recreation (O-R)



Map Created by  
County of Santa Cruz  
Planning Department  
August 2005

15

COUNTY OF SANTA CRUZ  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Cathleen Carr  
Application No. : 05-0525  
APN: 032-082-07

Date: May 23, 2006  
Time: 15:39:03  
Page: 1

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Code Compliance Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON AUGUST 22, 2005 BY AARON LANDRY =====

NO COMMENT

Application addresses violation(AJL) ===== UPDATED ON DECEMBER 5, 2005 BY KEVIN

M FITZPATRICK =====

NO COMMENT

No additional comments on second routing. (KMF)

Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON AUGUST 22, 2005 BY AARON LANDRY =====

===== UPDATED ON DECEMBER 5, 2005 BY KEVIN M FITZPATRICK =====

Dpw Driveway/Encroachment Completeness Coments

===== REVIEW ON SEPTEMBER 2, 2005 BY DEBBIE F LOCATELLI =====

See engineering comment for space #6. Comments will be made after engineering com-  
ments have been addressed and revised plans have been submitted. ===== UPDATED  
ON NOVEMBER 30, 2005 BY DEBBIE F LOCATELLI =====

Revised plans indicate all 6 parking spaces are on-site. It does not appear that any  
work is proposed in the County right-of-way and that the driveway is existing,  
therefore, no comments.

Dpw Driveway/Encroachment Miscellaneous Coments

===== REVIEW ON SEPTEMBER 2, 2005 BY DEBBIE F LOCATELLI =====

No comment.

===== UPDATED ON NOVEMBER 30, 2005 BY DEBBIE F LOCATELLI =====

No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON SEPTEMBER 1, 2005 BY GREG J MARTIN =====

The site plan is incomplete as it does not show existing trees in the right-of-way  
which may affect parking space 6. Engineered plans are required for parking space 6.  
An aerial shows there may be a tree which is impacted by parking space 6. This may  
require an arborist report. A review of a County aerial overlaid with right-of-way  
information suggests the right-of-way information on the plans may not be accurate.  
A survey by a licensed surveyor is required to develop engineered plans for parking  
space 6 and to verify the right-of-way. The plans are not complete until a survey  
has been completed and incorporated into the plans and plans prepared by a civil en-  
gineer have been completed for improvements in the right-of-way.

Parking spaces 1- 3 do not meet standards requiring a 26 foot aisle adjacent to per-  
pendicular parking. In constrained or rural areas, an 18 foot wide road/aisle is

Discretionary Comments - Continued

Project Planner: Cathleen Carr  
Application No. : 05-0525  
APN: 032-082-07

Date: May 23, 2006  
Time: 15:39:03  
Page: 2

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acceptable, and parking spaces 1 - 3 do meet this criteria. Parking space 4 is acceptable

Additional comments may be made once the survey information and plans for the parking space 6 have been provided.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON DECEMBER 12, 2005 BY GREG J MARTIN =====  
The parking issues have been resolved. The backout space at best for parking spaces 1, 2, 3, and 6 is 23 feet which is acceptable.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON SEPTEMBER 1, 2005 BY GREG J MARTIN =====

COUNTY OF SANTA CRUZ  
Inter-Office Correspondence

DATE: August 31, 2005

TO: Tom Burns, Planning Director  
~~Cathleen Carr~~, Planner  
Dave Laughlin, Enforcement Planning

FROM: Supervisor Jan K. Beautz *JB*

RE: COMMENTS ON APP. 05-0525, APN 032-082-07,  
681 37TH AVENUE

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Please consider the following areas of concern in your evaluation of the above application to recognize the conversion of an existing garage and storage area to habitable space, to permit dormers, and to convert an unpermitted triplex to a non-conforming duplex.

This application replaces App. 05-0176 which was also attempting to legalize an extensive expansion of a non-conforming use. While the plans have been modified somewhat, the concerns raised in my comments on April 12, 2005, remain predominantly outstanding. The text of this application now states that each of the units in the remaining duplex will contain two bedrooms. However, both the existing and proposed Unit B are shown to have only one bedroom and two bathrooms. Unit A is proposed to become a two bedroom, three bath unit. However, the number of actual bedrooms for the proposed Unit A expansion may be significantly greater. Will the descriptive text be amended to reflect what is actually proposed for each unit?

Permit 87-0285 was issued to legalize the conversion of the original single-family home into a duplex. This permit states that each unit contains one bedroom and one bath. Due to this duplex being non-conforming to current zoning, it is my understanding that one unit must be designated as the non-conforming unit which cannot be expanded further. Unless the applicant can provide permit documentation for the second floor bathroom in Unit B, should this second bathroom be removed to comply with County Code? How will this be addressed without variance?

This property has been enlarged significantly and the roof raised over the years through unpermitted construction. Unit A is of serious concern as this unit is proposed to absorb all of the illegally converted two-car garage and its illegally added second floor as parts of the living unit.

This results in a large, oddly rambling dwelling with a number of rooms or living spaces that could easily become a more intensive use requiring additional parking. On the second floor there is an entire room with a very large skylight labeled as unusable space. This area is currently used as a bedroom for the third unit. Is the unusable label simply an attempt to avoid additional parking requirements for this large proposed unit? Additionally, a portion of the former third unit's second floor bathroom is now labeled as unusable. Currently, this is a usable part of the bathroom. Is the applicant attempting to manipulate F.A.R. calculations? The original kitchen for Unit A is now labeled as a 11' x 9.5' "mudroom," but could easily become an additional bedroom. I am similarly concerned by the 12' x 12' "breakfast nook." Given the extensive past practices, the construction trend may continue within this large structure further impacting the adjacent neighbors.

This application proposes to legalize the conversion of a two-car garage into two-story, habitable living area. This expansion results in an intensification of the site and should not be permitted if on-site parking cannot meet the current requirements of Code. If the applicant's identification of bedrooms is permitted, Code Section 13.10.552(a) requires a total of six on-site parking spaces. Should a greater number of rooms be designated as bedrooms for parking calculations, Code could require up to seven on-site spaces. The current site plan provides a total of five on-site parking spaces. Space number six is shown within the public right-of-way for 37th Avenue and is not allowed to be used to meet parking requirements. This sixth space could not be relocated to the front yard area as it would not be in compliance with Code Section 13.10.554(d), which restricts parking areas to less than 50% of the required front yard setback. Additionally, the proposed exterior elevation does not indicate a garage door for the remaining one car garage. Will this feature be specifically required? Without a full garage door, the available on-site parking is reduced to four spaces.

The plans appear to have corrected the existing location and dimensions of the storage unit to the rear of the property. This storage unit is now proposed to be relocated and reduced in size to 120 square feet. However, Enforcement records indicate that the existing building has full electrical and plumbing hook-ups. Will the applicant be required to remove all hook-ups?

August 31, 2005

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The applicant has now provided lot coverage and floor area ratio calculations for this proposal. I had previously questioned the accuracy of much of the size information provided by the applicant. The applicant has deducted **225** square feet from square footage calculations for the remaining 11' x 18', 198 square foot one-car garage. This calls into question the remaining square footage information provided. **As** previously discussed, the "unusable" spaces and rooms appear very usable. Have they been included in calculations? Will all information be verified?

JKB:lg

2845B1

**COUNTY OF SANTA CRUZ  
INTER-OFFICE CORRESPONDENCE**

**DATE:** August 29,2005  
**TO:** Cathleen Carr, Planning Department, Project Planner  
**FROM:** Melissa Allen, Planning Liaison to the Redevelopment Agency  
**SUBJECT:** Application #05-0525, APN 032-082-07, 681 37<sup>th</sup> Avenue, Live Oak

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The applicant is proposing to recognize the conversion of non-habitable areas (garage and storage loft) to habitable space, to convert an unpermitted triplex back to a duplex with two bedrooms for each unit, and to add new dormers at the existing second story on a legal, nonconforming duplex with 2-bedrooms in each unit. The project requires a Coastal Development and Amendment to Residential Development Permit 87-0285. The property is located on the west side of 37<sup>th</sup> Avenue about 460 feet south of the intersection with Portola Drive, at 681 37<sup>th</sup> Avenue, Live Oak. THIS APPLICATION REPLACES 05-0176.

This application was considered at an Engineering Review Group (ERG) meeting on August 17,2005. The Redevelopment Agency (RDA) has the following comments regarding the proposed project. RDA's primary concern for this project involves the provision of adequate onsite parking to serve the use.

1. All required parking to serve this project should be provided onsite and a parking analysis demonstrating compliance with current parking regulations should be shown on the project plans. If the project is not able to meet required parking, RDA would not support a garage conversion because on-street parking is very limited in this coastal neighborhood. Designation of private project parking in the public right-of-way is not permitted.
2. Existing frontage improvements including the edge of pavement, front property line, and right-of-way along 37<sup>th</sup> Avenue should be identified on the plans.
3. All required setbacks should be identified on the plans. (There appear to be existing encroachments.)
4. All major trees in the right-of-way or on the property should be identified, as well as, information provided regarding how they will be preserved.
5. RDA recommends that a minimum 3 to 5-foot landscape strip be provided along the driveway on the north property line to allow room for an additional landscape buffer with trees within this strip.
6. Are any of the changes associated with this permit visible from 37<sup>th</sup> Avenue? If so, proposed architectural elevations to the East, facing 37<sup>th</sup> Avenue, should be provided.

The issues referenced above should be evaluated as part of this application and/or addressed by conditions of approval. RDA would like to see future routings of revised plans if there are changes relevant to RDA's comments. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

Cc: Greg Martin, DPW Road Engineering  
Paul Rodrigues, RDA Urban Designer



**CENTRAL  
FIRE PROTECTION DISTRICT**  
of Santa Cruz County  
Fire Prevention Division

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930 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
phone (831)479-6843 fax (831)479-6847

**Date:** August 22, 2005  
**To:** Thomas Darbonne  
**Applicant:** Dee Murray  
**From:** Tom Wiley  
**Subject:** 05-0525  
Address: 681 37<sup>th</sup> Ave.  
**APN:** 032-082-07  
**OCC:** 3208207  
**Permit:** 20050256

Based upon a review of the plans submitted, District requirements appear to have been met, and PLANS ARE APPROVED FOR PERMIT.

The job copies of the building and fire system plans and permits must be on-site during inspection

The water flow information appears to be incorrect, as the flow information provided is not possible. Please correct the information provided and resubmit with the permit application plans.

Upon completion of the above listed requirements please call the Fire Prevention Division to set up an appointment for an inspection. You will be asked for an address and Assessors Parcel Number (APN). A **MINIMUM OF 48 HOURS NOTICE** to the fire department is required prior to inspection.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. INVOICE MAILED TO APPLICANT. Other fees may be incurred. Please contact the Fire Prevention Secretary for total fees due for your project. Fire District fees must be paid and a receipt for District fees must be presented to the County Planning Department before Building Permit issuance.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at [tomw@centralfd.com](mailto:tomw@centralfd.com). All other questions may be directed to Fire Prevention at (831)479-6843.

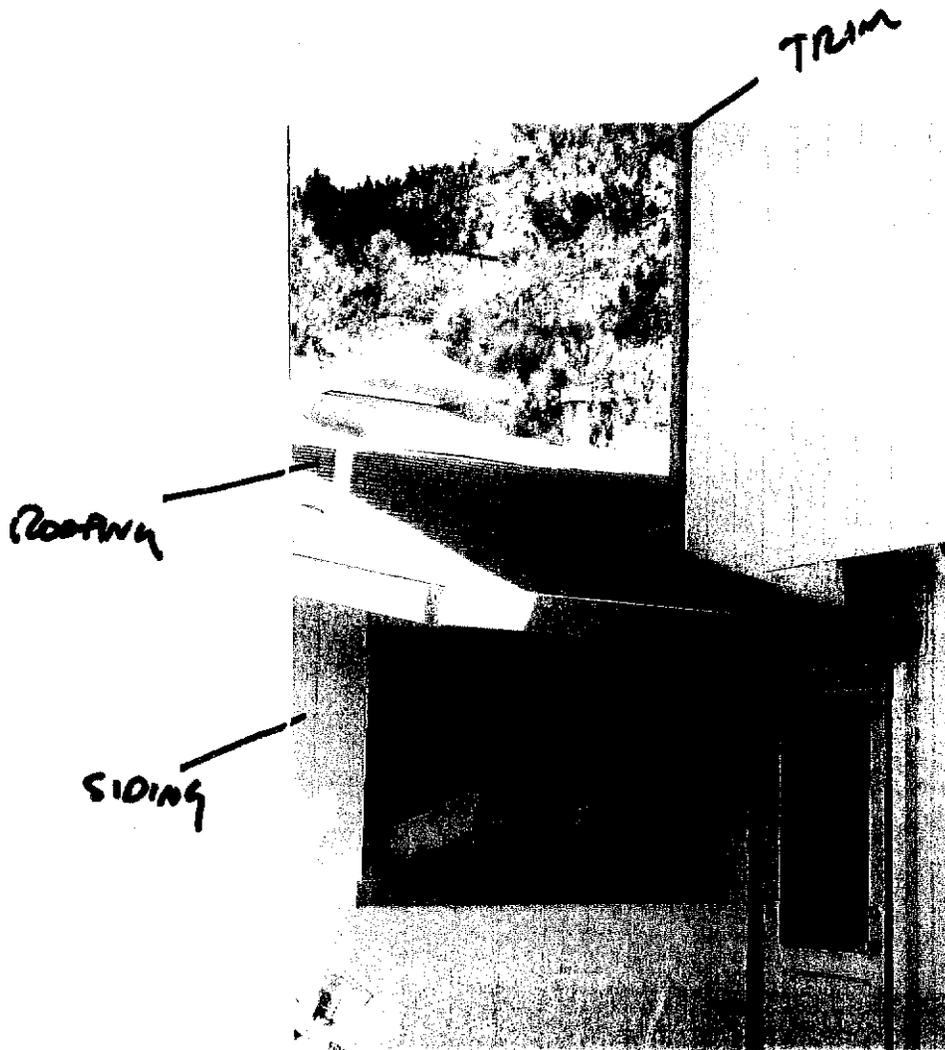
CC: File

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County. Any order of the Fire Chief shall be appealable to the Fire Code Board of Appeals as established by any party beneficially interested, except for order affecting acts or conditions which, in the opinion of the Fire Chief, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion or release. Any beneficially interested party has the right to appeal the order served by the Fire Chief by filing a written "NOTICE OF APPEAL" with the office of the Fire Chief within ten days after service of such written order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is taken.

3208207-082205

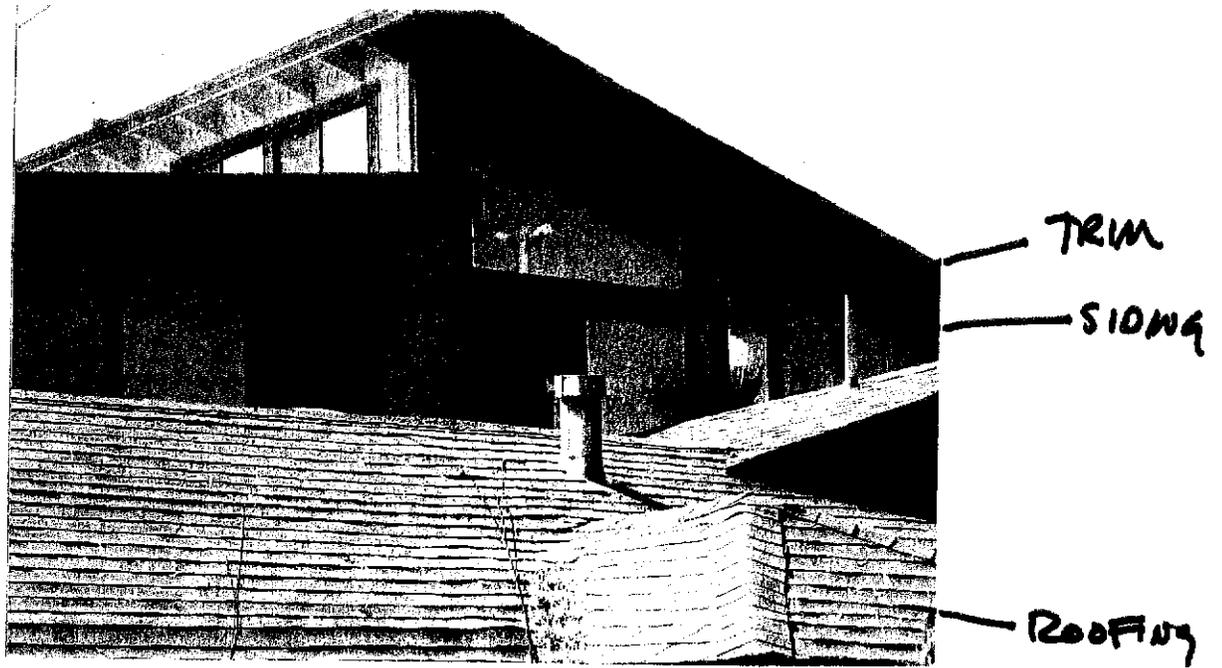
*Serving the communities of Capitola, Live Oak, and Soquel*

# MATERIAL + COLOR SAMPLE BOARD



MAINTAIN EXISTING TRIM COLORS AND MATERIALS AS SHOWN

# MATERIAL + COLOR SAMPLE BOARD



MAINTAIN EXISTING TRIM COLORS AND MATERIALS AS SHOWN