



Staff Report to the Zoning Administrator

Application Number: **05-0074**

Applicant: Juvencio Flores

Owner: Jose and Arcelia Carrillo

APN: 031-101-35

Agenda Date: July 7, 2006

Agenda Item #: **8**

Time: After 1:00p.m.

Project Description: Proposal to recognize a single-story duplex which is a legal structure (constructed with building permits in 1962), but a non-conforming use, and to construct a second story addition over the existing footprint.

Location: The property is located on the west side of Thompson Avenue approximately 1000 feet south of the intersection of Thompson and Capitola Ave (1477 Thompson Avenue), Live Oak.

Supervisorial District: First District (District Supervisor: Beautz)

Permits Required: Residential Development Permit

Staff Recommendation:

- Certification that the proposal is categorically exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0074, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|------------------------------|
| A. | Project plans | E. | Assessor's Parcel Map |
| B. | Findings | F. | Zoning and General Plan Maps |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size:	7,746 square feet
Existing Land Use - Parcel:	Nonconforming duplex
Existing Land Use - Surrounding:	Single family residential, multi-family dwellings
Project Access:	Thompson Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UH (Residential Urban High)
Zone District:	RM-3 (Multi-family Residential, 3,000 square feet per unit)

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

Coastal Zone: ___ Inside XX Outside

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: No physical evidence on site
Grading: No grading proposed
Tree Removal: None
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 and Setting

A building permit was issued in 1962 to construct this duplex. Under the current RM-3 zoning, multi-family developments such as a duplex are allowed with the approval of a Residential Development Permit. Since a Residential Development Permit was not issued, the current status of this use is legal, nonconforming.

The neighborhood is a mixture of multi-family development (primarily duplexes) and single family residences. The west side of Thompson in the project area was developed predominantly in the early 1960's. The east side of Thompson has several subdivisions developed in the mid-1980's (townhouses on Saunders) and late 1980's (single family dwellings on Sheila), with several structures from the 1940's interspersed with development of various ages along Thompson.

Zoning & General Plan Consistency

The subject property is a 7,746 square foot lot, located in the **RM-3** (Multi-family Residential, 3,000 square feet per unit) zone district, a designation which allows a variety of residential uses. The existing duplex is currently a legal nonconforming use within the zone district, as it lacks the required Residential Development (Use) Permit. The project meets the density of one dwelling unit per **3,000** square feet of net parcel area. The General Plan land use designation is R-UH. The development density range for R-UH land is 10.9 to 17.4 units per developable acre. The density of the duplex use is 11.2 units per developable acre, which is consistent with the site's (R-UH) Residential Urban High General Plan designation.

Since the subject parcel is greater than 5,000 square feet, the RM-3 residential development standards for the project are as follows:

SITE STANDARD	REQUIRED	PROPOSED
FRONT YARD	20 feet minimum	20 feet
SIDE YARDS	5 feet and 8 feet minimum	7 feet and 25 feet
REAR YARD	15 feet minimum	21.5 feet
LOT COVERAGE	30% maximum	27%
FLOOR AREA RATIO	50% maximum	48%
HEIGHT	28 feet maximum	< 26 feet
OPEN SPACE	200 square feet/unit (private)	300 square feet/unit

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **05-0074**, 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: Cathleen Carr
Santa Cruz County Planning Department
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Santa Cruz CA 95060
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E-mail: cathleen.carr@co.santa-cruz.ca.us

Residential 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 multi-family 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 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.

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 conforming with respect to the zone district in that multi-family residential uses are the principal use of the RM-3 zone district with the approval of a Residential Development Permit. The existing structure and proposed addition meets all of the site development standards (setbacks, height, lot coverage and floor area ratio) for a lot over 5,000 square feet in the RM-3 zone district. The project will provide the required on-site parking of six spaces for a maximum of 6 bedrooms (maximum three bedrooms per unit). In addition, the project meets the Open Space” requirements for multi-family development in that each unit has a 10.33-foot by 40-foot private yard located in the side yard setback, exceeding the 200 square feet of private space per unit requirement and meeting the minimum dimension of 10 feet. In addition, both areas are outside of the **front** yard setback as required in Section 13.10.323(f) of the County Code.

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.**

The density of development (one dwelling unit per 11.2 net developable acre) is within the 10.9 to 17.4 units per developable acre density range specified by the Residential Urban High (R-UH) General Plan designation.

The project will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the proposed dormers meet all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance) and the remainder of the remodel/change in use is inside the existing structure

The project is consistent with General Plan policy 8.4.2 (Retaining Existing Housing), in that the duplex is not detrimental to the health, safety and welfare of the surrounding neighborhood, it is

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located on a parcel designated for multi-family residential use in the General Plan and zoning, and the maintenance and expansion will retain the existing housing stock.

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

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

This finding can be made, in that the addition of two bedrooms to an existing duplex will generate minimal additional traffic of less than 2 average trips daily, where on average a new dwelling generates one average daily trip. 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 1962. The surrounding development is predominantly duplexes and single-family dwellings. The newer (circa 1980's) single family dwellings are two-story while the older development is mostly one-story. The proposed addition and remodel will utilize a stucco finish and tile-type roof in keeping with the predominant material in the neighborhood. Architectural details including a belly band, balconies, gables, and variation in the ridgeline are proposed to break up the mass of the proposed two-story duplex. The development is consistent with the pattern and style of newer development in the surrounding neighborhood.

Conditions of Approval

Exhibit A: Project Plans prepared by Juvencio Flores – Flores Drafting, last revised 9/2/05

- I. This permit authorizes the construction of a second story addition which may include one additional bedroom per unit (maximum 3 bedrooms per unit, maximum two dwelling units), an internal remodel of the existing lower story and reconfiguration of the parking and driveway. 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, if required.
- 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, **except as noted below**. 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. **The final floor plans for the building permit application shall be modified as follows:**
 - a. **For two-bedroom unit(s)**, the 4.5 foot long wall dividing the living room and library/study on the second story of each unit shall either be removed or reduce to a half-height (3.5 feet maximum) wall on the final building plans.
 - (i) Prior to building permit approval, the owner shall record a declaration of restriction to maintain the unit(s) as two-bedrooms unit(s).
 - b. **For three bedroom unit(s)**, the study/library **can** be modified to provide one additional bedroom per unit (no more than three bedrooms per unit, two dwelling units maximum).

- (i) Prior to building permit issuance, the applicant/owner shall pay the current fees for Parks and Child Care mitigation for each additional bedroom. Presently, these fees are, respectively, \$750 and **\$36** per bedroom.
 - (ii) Prior to building permit issuance, the applicant/owner shall pay the current fees Roadside and Transportation capital improvements. Presently, these fees are \$694 and **\$694** per bedroom.
 - (iii) Prior to building permit approval, the owner shall record a declaration of restriction to maintain the unit(s) as three-bedrooms unit(s).
2. 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.
3. **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.
4. 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. Provide a final landscape plan in general conformance with the preliminary landscape plan. The final landscape plan shall conform with the following conditions:

1. The Pyrus calleryana tree (or equivalent species accepted by the Planning Department) in the front yard setback shall be a minimum 24-inch box size and one additional tree (15-gallon minimum size with a minimum height at maturity of 25 feet) shall be incorporated into the front yard setback to soften the view of the new second story. The species, size and location of this tree shall be specified on the plan.
2. A deciduous species is recommended but not required for the north side yard planting.
3. The private yards shall be planted with lawn, ground cover **or** surfaced with a dust free material. The actual materials and/or species of planting shall be specified in the final landscape plan.
4. The final landscape plan shall be reviewed and approved by the Zoning Administrator and Urban Designer.

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, unless a third bedroom is approved by a building permit and all capital improvement, parks and childcare mitigation fees are paid for each additional bedroom. If these criteria are met, the total number of bedrooms shall not exceed 3 bedrooms per unit.
- B. No unit shall be advertised, leased, rented or otherwise represented as having bedrooms greater than the approved and permitted number of bedrooms.
- C. 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.
- D. Two parking spaces shall be maintained in the garage at all times.
- E. A maximum of two dwelling units and one kitchen per unit are allowed.
- F. All landscaping shall be permanently maintained. Any diseased or dying trees within the front yard setback shall be promptly replaced. Topping of trees within the front yard setback is prohibited except for trimming needed to avoid electrical lines.

- 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
- E. the successor’s) in interest, transferee(s), and assign(s) of the applicant.

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

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Owner Jose and Arcelia Camllo

Please note: The portion of this permit authorizing the second story addition expires two years from the effective date unless you obtain the required permits and commence construction.

The portion of the permit recognizing the existing use expires in two years from the effective dated unless six on-site parking spaces are provided.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Cathleen Carr
Project Planner

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

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION**

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

Application Number: 05-0074
Assessor Parcel Number: 031-101-35
Project Location: 681 Thompson Avenue

Project Description: Proposal to recognize a **single-story** duplex which is a legal structure (constructed with building permits in **1962**), but a non-conforming use, and, to construct a second story addition over the existing footprint.

Person or Agency Proposing Project: Juvencio Flores

Contact Phone Number: **(831) 770-0323**

- 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: _____

Assessor's Parcel Map

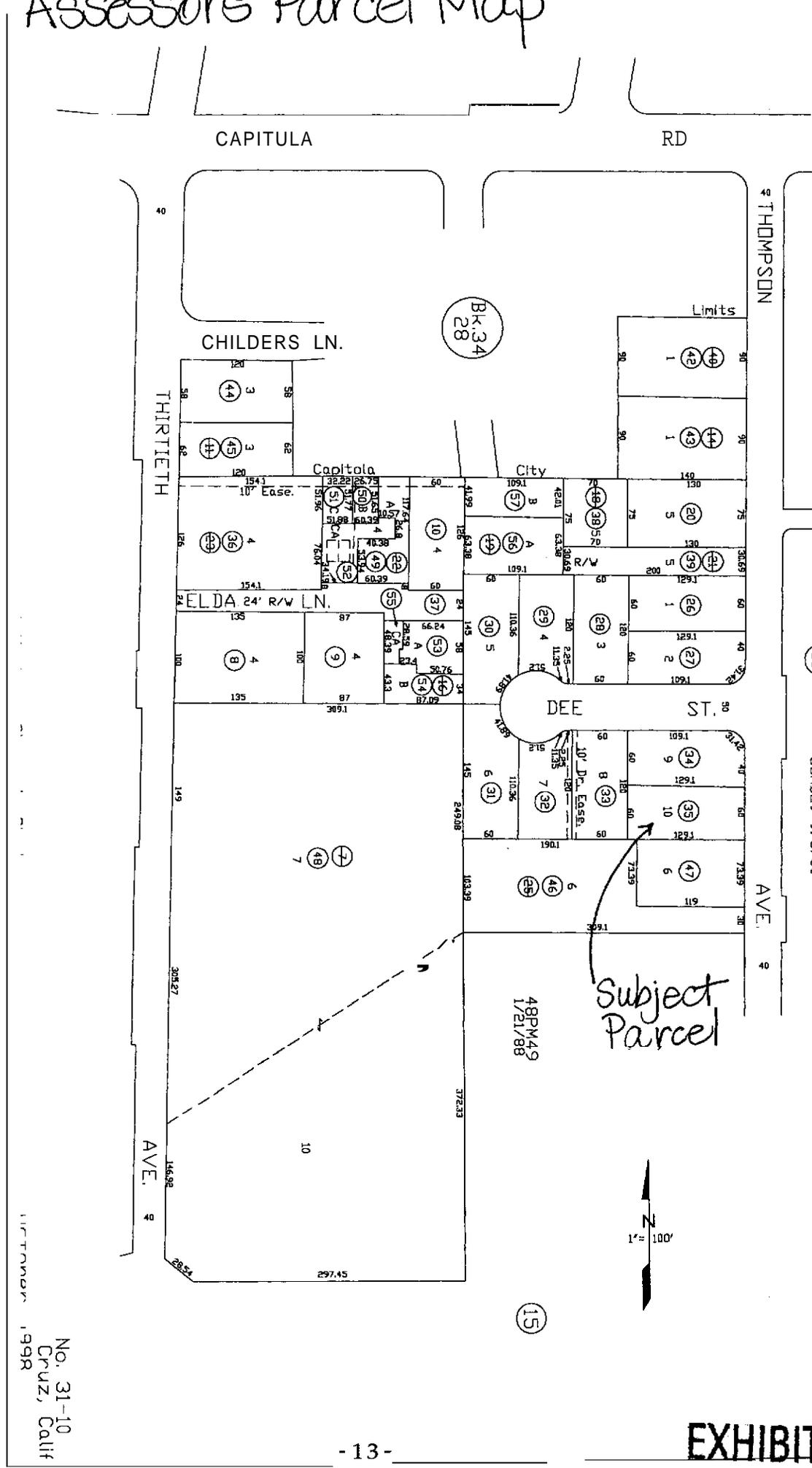
FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSURES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. RANCHO ARROYO DEL RODEO
 SE. 1/4, SEC. 16, T.11S., R.1W., M.D.B. & M.

Tax Area Code
 82-040

31-1U

SIPM30
 8/24/90
 (11) KING SUB. TR. NO. 250
 36MB29 9/8/60

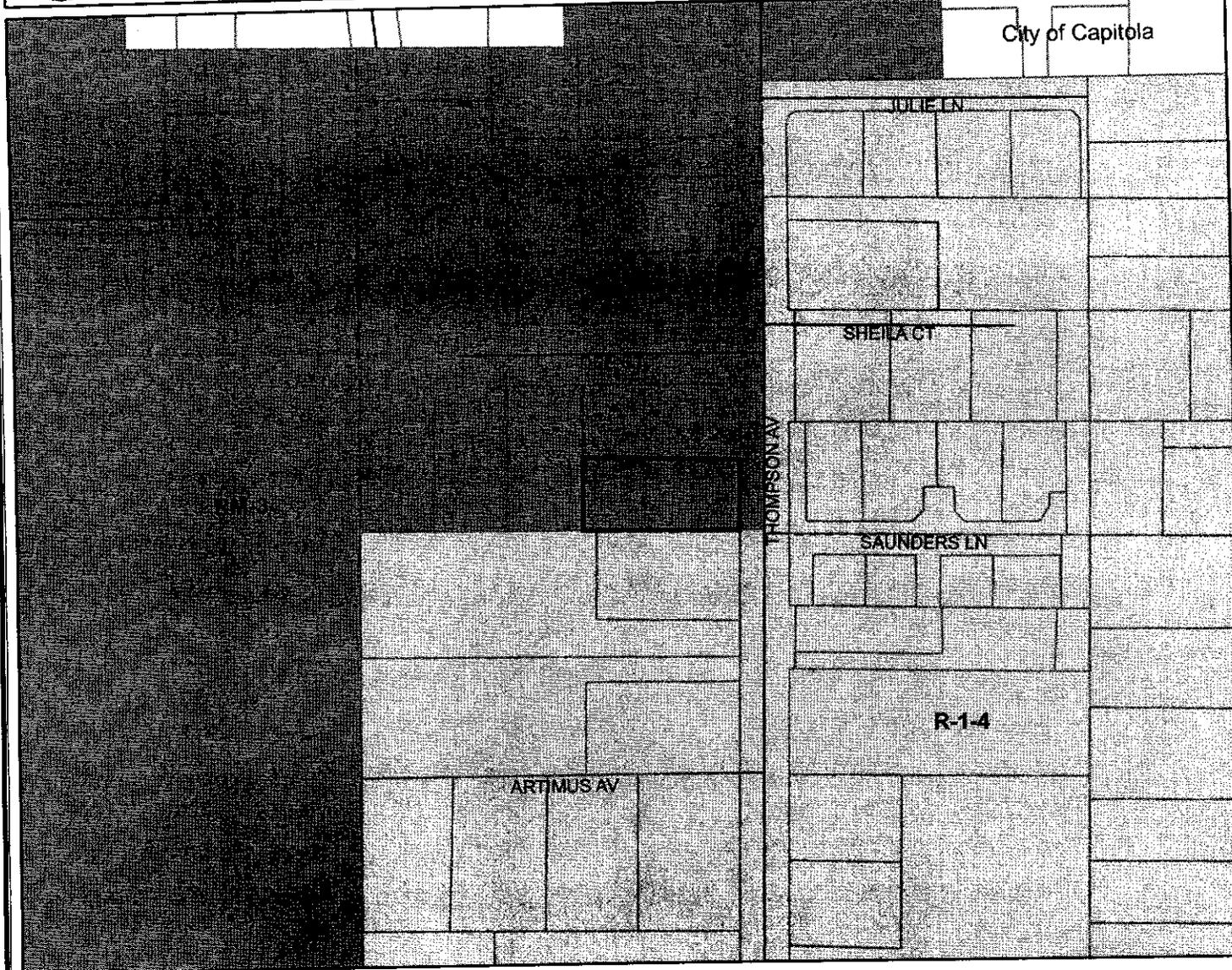


No. 31-10
 Cruz, Calif
 1998



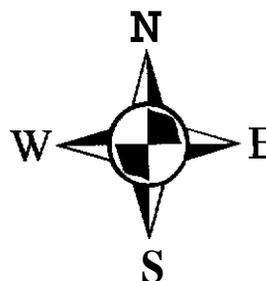
Zoning Map

City of Capitola



Legend

-  APN 031-101-35
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-MULTIFAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  CITY PROPERTY

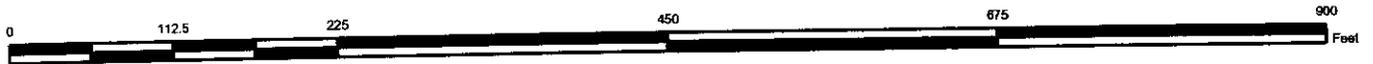
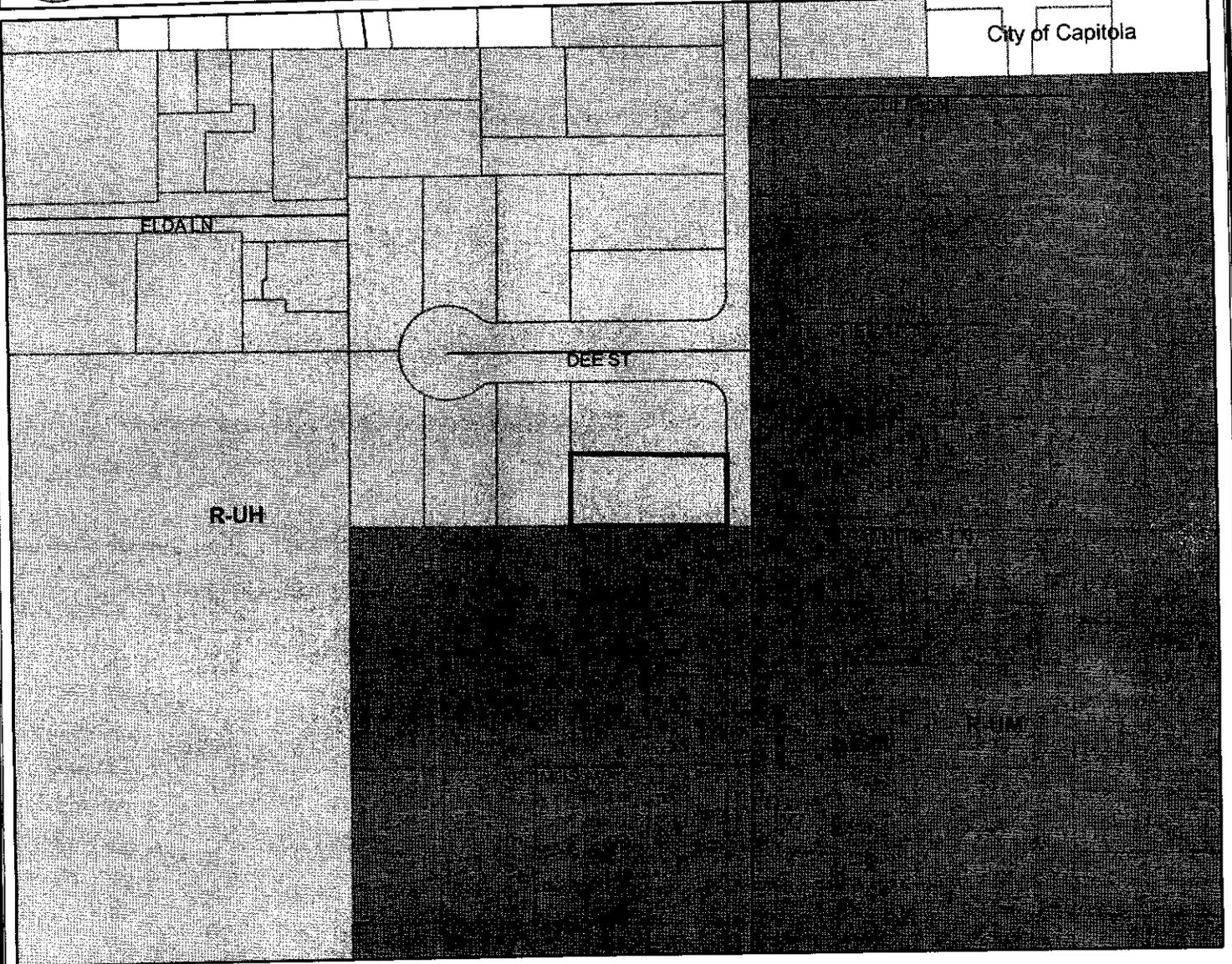


Map Created by
 County of Santa Cruz
 Planning Department
 June 2006



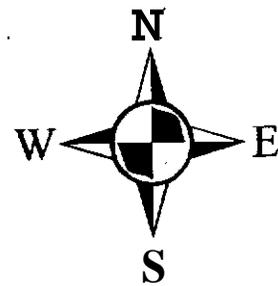
General Plan Designation Map

City of Capitola



Legend

-  APN 031-101-35
-  Assessors Parcels
-  Streets
-  Residential - Urban High Density (R-UH)
-  Residential - Urban Medium Density (R-UM)



Map Created by
 County of Santa Cruz
 Planning Department
 June 2006

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Cathleen Carr
Application No. : 05-0074
APN: 031-101-35

Date: June 21, 2006
Time: 12:57:54
Page: 1

Dpw Road Engineering Completeness Comments

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

===== REVIEW ON FEBRUARY 17, 2005 BY GREG J MARTIN =====

1. The vehicles in the garages have sufficient space to backout with the parking layout proposed.

2. The parking layout proposed does not meet the following recommendations and requirements:

The driveway is recommended to be 24 feet wide

We do not recommend parallel parking that requires backing out into the road

Parallel parking spaces are 22 feet long and may be 7 feet wide.

The space in front of parking space number 1 is recommended to be 22 feet minimum to allow a vehicle to back into parking space number 1.

A five foot landscape strip is recommended along the property line where the parking area/driveway parallels the side and property line.

3. Please clearly show the limits of the existing concrete area, property lines, right-of-way landscaping, curbs, and other features for 100 feet in either direction of the property. Show both sides of the road including right-of-way.

If you have any questions please contact Greg Martin at 831-454-2811. ===== UP-
DATED ON AUGUST 22, 2005 BY GREG J MARTIN =====

1. The plans are not complete. It does not appear that previous comments were addressed. It appears that the parking layout has not been altered since the project has been revised so there is no increase in the number of bedrooms. Although the number of required parking spaces may not change, the proposed project is still subject to review. The parking layout and circulation must be shown for Public Works review. Please number and dimension each parking space and parking aisles.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED
ON AUGUST 22, 2005 BY GREG J MARTIN =====

===== UPDATED ON MAY 19, 2006 BY GREG J MARTIN =====

Previous comments regarding parallel parking spaces still apply

Dpw Road Engineering Miscellaneous Comments

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

===== REVIEW ON FEBRUARY 17, 2005 BY GREG J MARTIN =====

===== UPDATED ON AUGUST 22, 2005 BY GREG J MARTIN =====

===== UPDATED ON MAY 19, 2006 BY GREG J MARTIN =====

OWNER BLAINE GUINN	PARCEL NUMBER 11118
Thompson Ave., Santa Cruz <i>lot 10</i>	TYPE Duplex/attached garages
	VALUATION 15,888

BUILDING		PLUMBING AND GAS		ELECTRIC	
NAME King Homes		NAME <i>Purdy Plg -</i>		NAME <i>Ron Rep. Elec</i>	
PERMIT NUMBER 565	DATE 4-23-62	PERMIT NUMBER 622	DATE 4-25-62	PERMIT NUMBER 826	DATE 5-7-62

INSPECTIONS		
BUILDING	PLUMBING AND GAS	ELECTRIC
FOUNDATION <i>OK. 4-23-62 RB</i>	ROUGH <i>OK. 4-23-62 RB</i>	ROUGH <i>OK. 5-8-62 RB</i>
FRAME <i>OK. 5-8-62 RB</i>	VENT <i>OK. 4-23-62 RB</i>	FINISH
STUCCO WIRE <i>OK. 5-14-62 RB</i>	FINISH <i>OK. 4-23-62 RB</i>	FIXTURES, ETC. <i>OK. 5-8-62 RB</i>
LATH <i>OK. 5-14-62 RB</i>	GAS - ROUGH <i>OK. 4-23-62 RB</i>	
FLUES	GAS - FINISH <i>OK. 4-23-62 RB</i>	
FINISH COMPLETE <i>OK. 6-25-62 RB</i>	GAS - FINISH <i>OK. 4-23-62 RB</i>	SERVICE CLEARED <i>OK. 6-25-62 RB</i>

BUILDING II
BLD - 3 (REV.)

REMARKS ON REVERSE
OK. Cleared 6-27-62 RB

OK. Cleared 6-27-62 RB

BLAINE GUINN