



Staff Report to the Zoning Administrator

Application Number: **131280**

Applicant: Pat Powers
Owner: Shephard
APN: 028-132-29

Agenda Date: 6/6/14
Agenda Item #: 4
Time: After 9:00 a.m.

Project Description: Proposal to remodel an existing non-conforming single family dwelling in the R-1-3.5 zone district by adding 148 square feet and 300 square feet second floor decks; replace existing a hipped roof with a new flat roof design; replace windows and exterior siding. Requires a Level 5 Coastal Development Permit.

Location: Project located on the ocean side of East Cliff Drive approximately 400 feet south of the intersection with Prospect Street (2900 East Cliff Drive).

Supervisory District: 1st District (District Supervisor: Leopold)

Permits Required: Coastal Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 131280, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	31,277 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential and Parks and Recreation/Open space
Project Access:	East Cliff Drive
Planning Area:	Live Oak
Land Use Designation:	R-UH, O-R (Urban High Density Residential, Parks, Recreation and Open Space)

Zone District: PR, R-1-3.5 (Parks, Recreation and Open Space, Single Family Residential (3,500 square foot min parcel))
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils report is not required
Fire Hazard: Not a mapped constraint
Slopes: Building site is flat at the top of a coastal bluff
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped scenic resource
Drainage: Existing drainage adequate
Archeology: Not mapped

Services Information

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

History

The existing single family dwelling was constructed in the 1950's. The home recently underwent some interior renovations and is listed as a 4 bedroom single family dwelling. No changes to the interior of the home are proposed.

Project Setting

The subject parcel is located on the ocean side of East Cliff Drive at the east end of Twin Lakes Beach, situated on the top of a coastal bluff. The surrounding properties are developed at an urban residential density. The building site is relatively flat and located approximately 25 feet from the edge of the coastal bluff. Site standards for the R-1-3.5 zone district require a 15 foot front yard setback (north side). The existing single family dwelling is located 4 feet from the north property line and is considered non-conforming. The existing structure meets all other site standards for the zone district.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 31,277 square feet and has a split zoning of R-1-3.5 and PR (Single Family Residential (3,500 square foot minimum parcel) and Parks, Recreation and Open Space,). These designations allow residential uses as a Principal Permitted Use. Further, the parcel has a split General Plan designation, (R-UH, O-R) Urban High Density Residential, Parks, Recreation and Open Space, which is consistent with the split zoning for the site.

It is typical for residential properties located adjacent to public beaches to have a split zoning and General Plan Designation. County Code Section 13.10.353 allows for the application of development standards for single family dwellings located in the PR zone district to be the same as those contained in County Code Section 13.10.323 for parcels zoned residential; therefore development standards for R-1-3.5 apply to the site.

Local Coastal Program Consistency

The proposed addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is consistent with the existing range of styles. The project site is 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.

Design Review

The proposed addition complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as the use of natural colors and variations in wall planes to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

The proposed development qualifies for a Class 3 Categorical Exemption under the California Environmental Quality Act (CEQA) and not subject to further environmental review.

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **131280**, 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

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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: 131280
Assessor Parcel Number: 028-132-29
Project Location: 2900 East Cliff drive

Project Description: Construct a second story deck addition and minor modifications to an existing single family dwelling.

Person or Agency Proposing Project: Pat Powers

Contact Phone Number: (831) 247-5214

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

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

F. Reasons why the project is exempt:

Improvements to an existing single family dwelling in an area designated for residential uses.

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

Nathan MacBeth, Project Planner

Date: _____

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 has a split zoning of R-1-3.5 and PR (Single Family Residential (3,500 square foot minimum parcel) and Parks, Recreation and Open Space,). These designations allow residential uses as a Principal Permitted Use. Further, the parcel has a split General Plan designation, (R-UH, O-R) Urban High Density Residential, Parks, Recreation and Open Space, which is consistent with the split zoning for the site General Plan designation.

It is typical for residential properties located adjacent to public beaches to have a split zoning and split General Plan Designations. County Code Section 13.10.353 allows for the application of development standards for single family dwellings located in the PR zone district to be the same as those contained in CC Section 13.10.323 for parcels zoned residential. Development standards for the R-1-3.5 zone district apply.

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 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. Though the development site is highly visible from a public view shed and the adjacent Twin Lakes Beach, the existing home is currently visible, and the proposed changes will not adversely affect existing views. Further the site is surrounded by lots developed to an urban density and the proposed colors will be natural in appearance and complementary to the site and surrounding properties.

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 while the project site is located between the shoreline and the first public road, the proposed development will not interfere with public access to the beach, ocean, or any nearby body of water. An existing unimproved public access to the beach is located at the west property line with additional public access available approximately 600 feet to the west of the subject property. 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, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the PR, R-1-3.5 (Parks, Recreation and Open Space, Single Family Residential (3,500 square foot min parcel)) zone district, 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 consistent with the existing range of styles.

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. Though the existing structure is non-conforming to the required 15 foot setback on the north property line, the modifications to the structure will not further deprive adjacent properties or the neighborhood of light, air, or open space. As proposed, the new decks meet the current setbacks that ensure access to these amenities and the proposed flat roof design will improve access to light, air and open space on the north side of the property. No further encroachments into the required setbacks are proposed.

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

This finding can be made, in that the proposed location of the 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 PR, R-1-3.5 (Parks, Recreation and Open Space, Single Family Residential (3,500 square foot minimum parcel)) zone district as the primary use of the property will continue to be one single family dwelling. The proposed second floor decks are to be located on the southwest side of the property and meet current site standards for the zone district. Due to the location of the existing dwelling being within 4 feet of the north property line, the home is considered non-conforming. The required setback for the north property boundary is 15 feet. The proposed improvements to the dwelling are consistent with County Code Section 13.10.260-262 with respect to modifications to a non-conforming structure.

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 proposed residential use is consistent with the use and density requirements specified for the Urban High Density Residential, Parks, Recreation and Open Space (R-UH, O-R) land use designation in the County General Plan.

The proposed addition 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) with the exception of the north side of the building and no changes are proposed there. The new decks will not adversely shade adjacent properties in that they will meet current setbacks for the zone district and the reconfiguring of the existing hipped roof to a flat roof design may reduce shading on the adjacent parcel to the north though no reduction or

increase to the existing setback encroachment is proposed.

The proposed decks and will be properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed addition will comply with the site standards for the R-1-3.5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

Therefore this finding can be made.

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

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

This finding can be made, in that the proposed new decks, roof replacement, windows and siding replacement do not include any new living or sleeping areas so no increase in traffic is expected and no significant additional utility use is expected.

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 deck additions and reconfiguring of the roof will not be out of harmony with the neighboring properties nor inconsistent with the land use intensity and density of the neighborhood, which is developed at an urban density.

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.

The proposed development 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. The site is currently visible from the beach and adjacent public view sheds and will continue to be visible as a result of the project. The project has incorporated design elements such as variation in wall plain and wall texture that are consistent with the range of architectural styles found in the vicinity. Further, the use of natural colors and low-profile roof design will help the proposed development blend with the surrounding properties which are developed at an urban density.

Conditions of Approval

Exhibit D: Project Plans 13 sheets Prepared by Patrick Powers Designs, Dated March 2014

- I. This permit authorizes the construction of two second story decks; replacement of windows and exterior siding and reconfiguring the roof of an existing single family dwelling. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans.

3. Details showing compliance with fire department requirements.
 - B. Provide a landscape plan for the rear yard or indicate if the existing landscaping is to remain. Changes to drainage patterns, grading, etc. are considered development and may be subject to the requirements of the Geologic Hazards Ordinance.
 - C. Provide a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at:
<http://www.sccoplanning.com/Portals/2/County/Planning/env/ConstructionStormwaterBMPManual-Oct%20312011version.pdf>.
 - D. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
 - E. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - F. Meet all requirements and pay any applicable plan check fee of the Fire Protection District.
 - G. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - H. 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 16.42.080 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 16.42.080, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Hours of Construction: Monday – Saturday 8 AM to 5PM
- C. During construction the right of way and public parking shall be kept clear of all construction equipment and materials.

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

Application #: 131280
APN: 028-132-29
Owner: Shephard

approval without the prior written consent of the County.

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

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

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

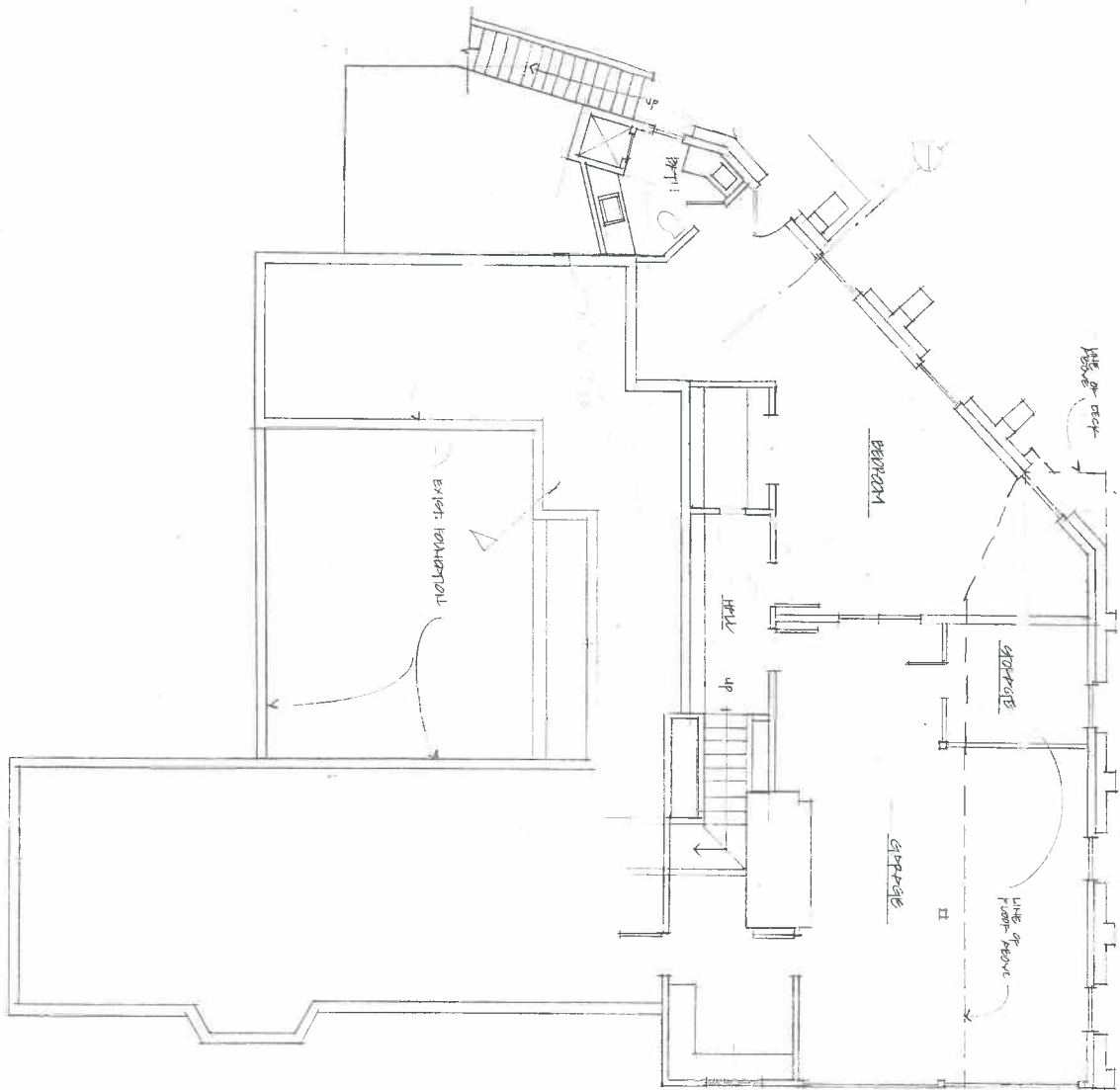
Expiration Date: _____

Wanda Williams
Deputy Zoning Administrator

Nathan MacBeth
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.

EXIST. LOWER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"



OF SHEETS

A-2

SHEET NO.

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

REVISION:

DATE: 11/20/2014

EXIST. LOWER LEVEL
 FLOOR PLAN

JAY & PPM SHEPHERD
 MOD. CIVIL ARCH
 51172 AVENUE OF THE
 P.P.N. 122-122-21

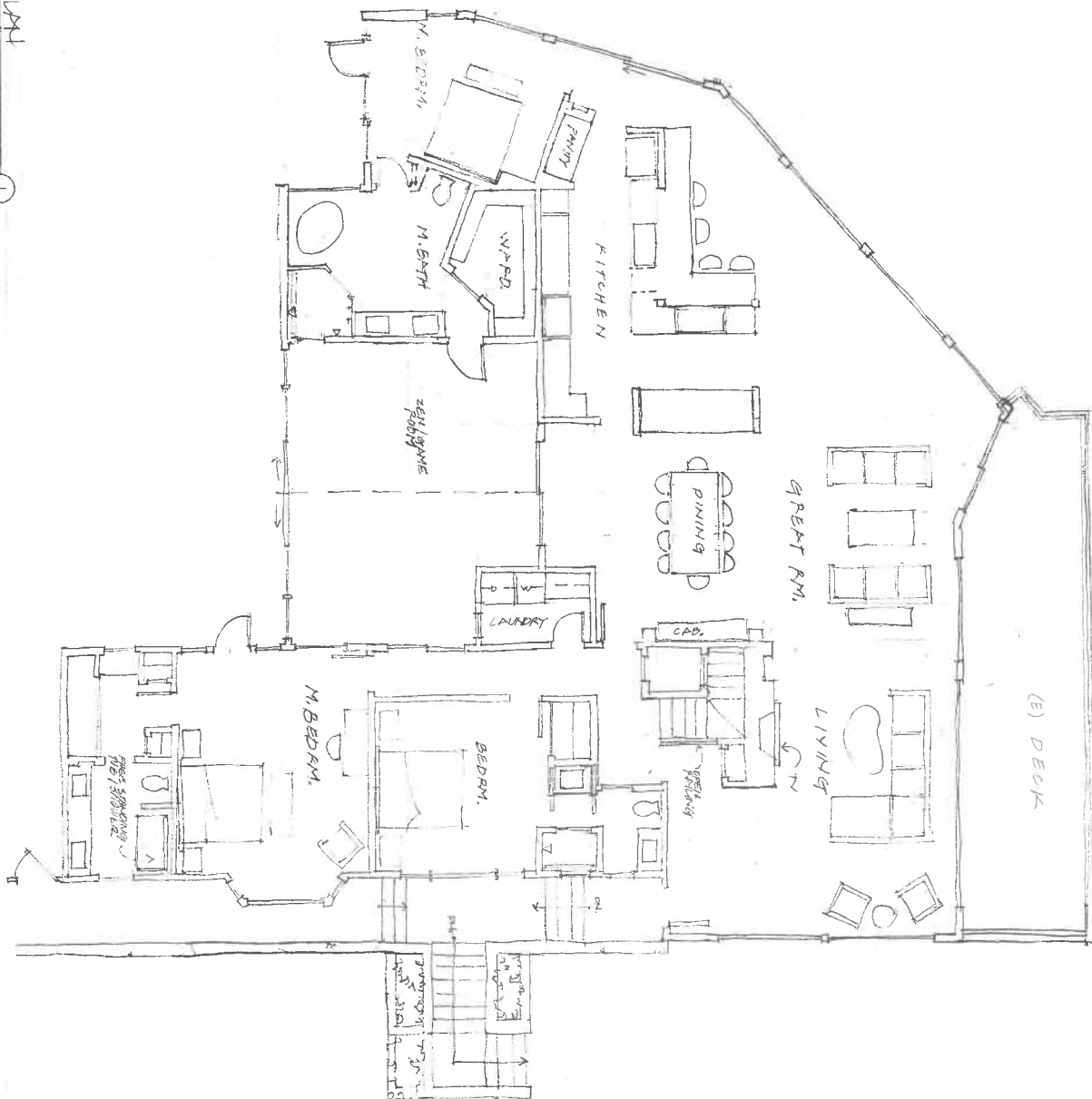
patrick powers
 designs
 residential
 commercial improvements
 planning
 144 walnut avenue suite b
 santa cruz california 95062
 (831) 454-9148



1/4" = 1'-0"

EXISTING FLOOR PLAN

1



OF SHEETS

A-3

SHEET NO:

REVISION:

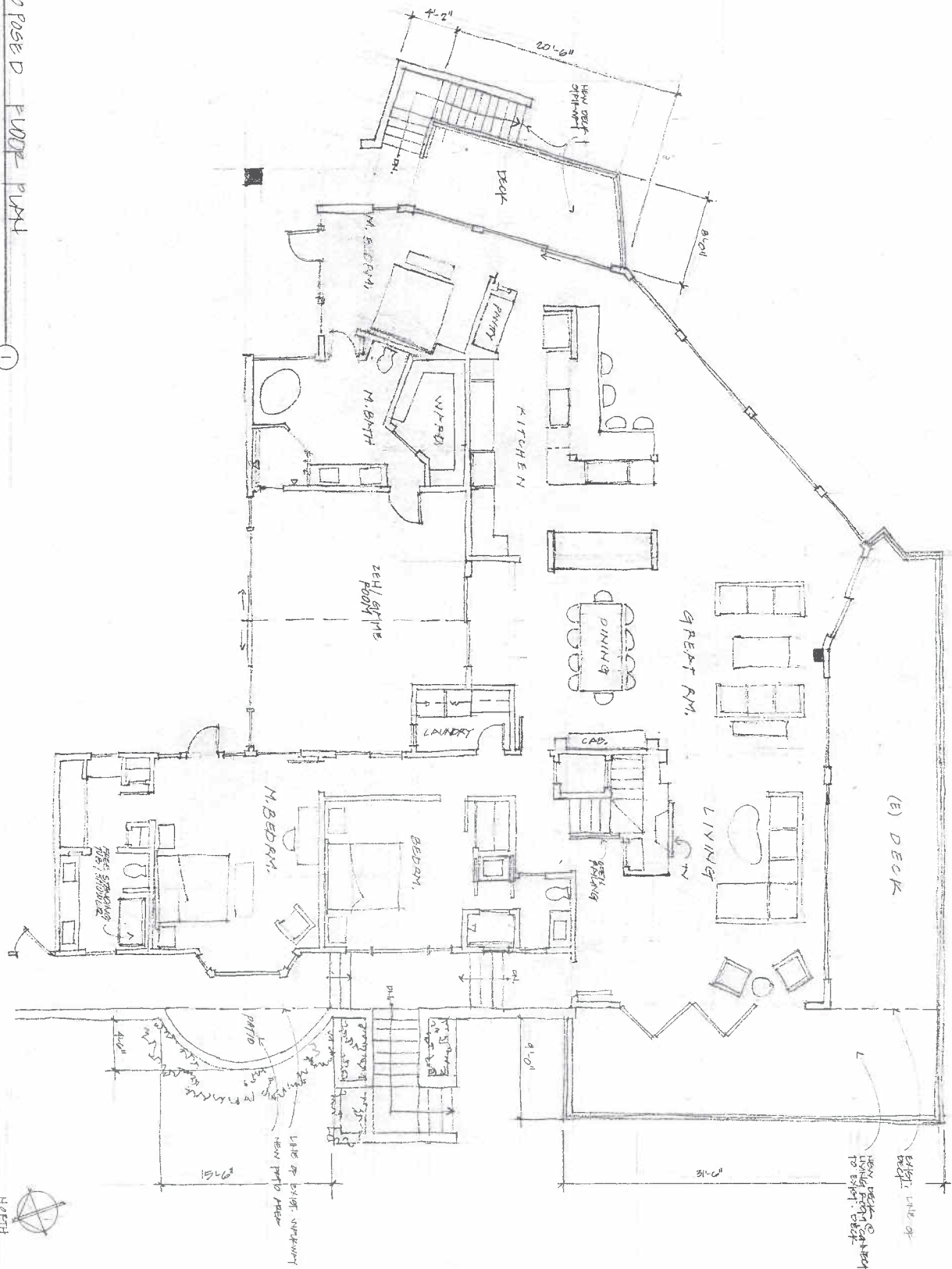
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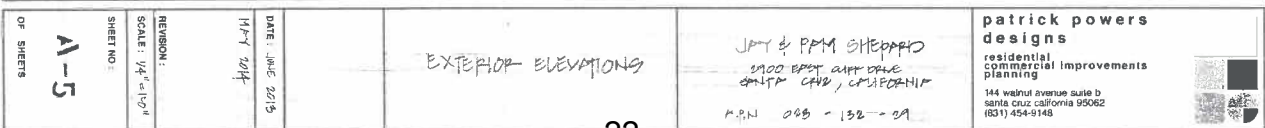
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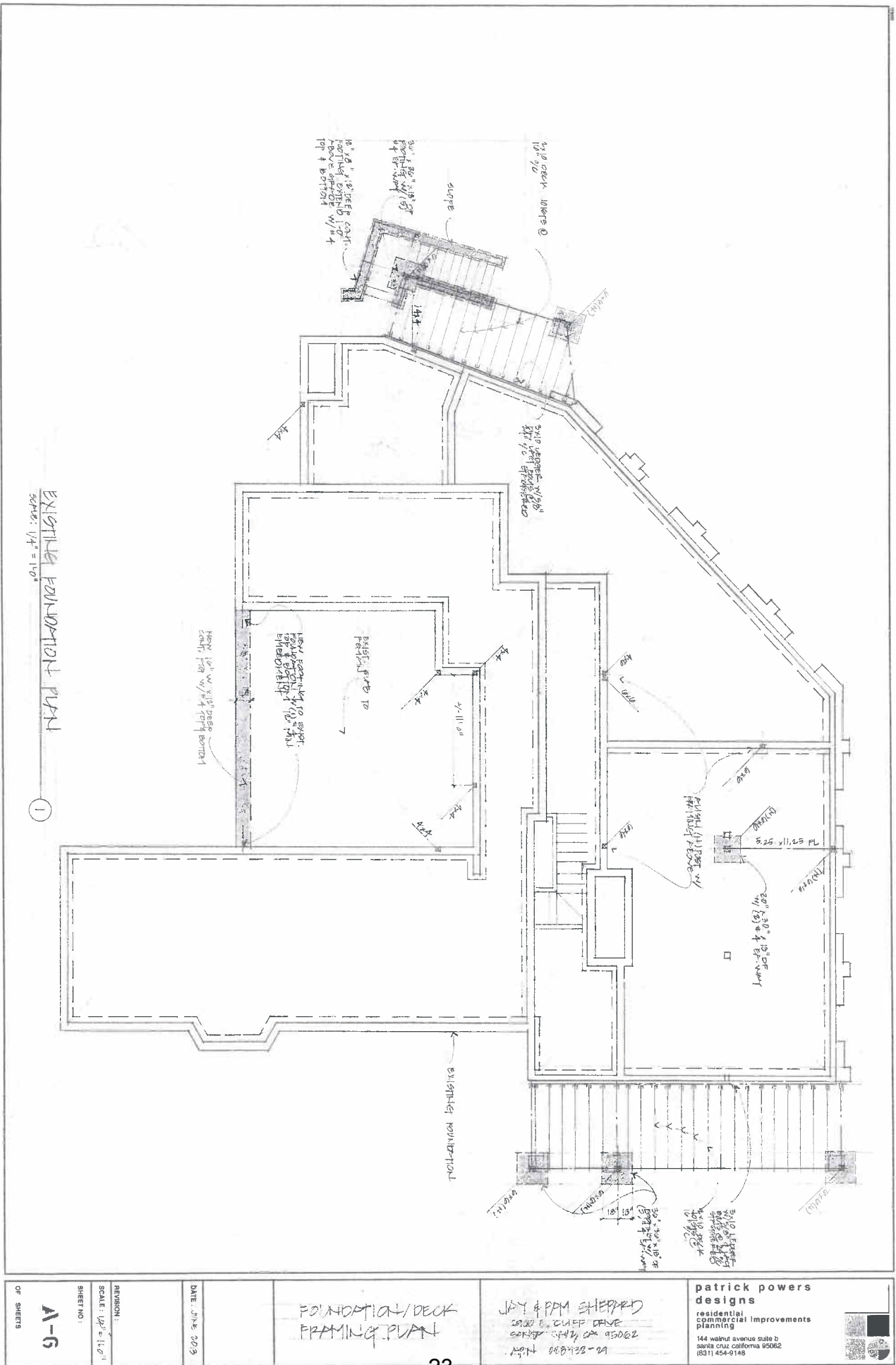
EXISTING FLOOR PLAN

JAY & PAM SHEPPARD
2100 E. CUYER DRIVE
SANTA CRUZ, CALIF. 95062
P.P.H. 060-102-29

patrick powers
designs
residential
commercial improvements
planning
144 walnut avenue suite b
santa cruz california 95062
(831) 454-0145

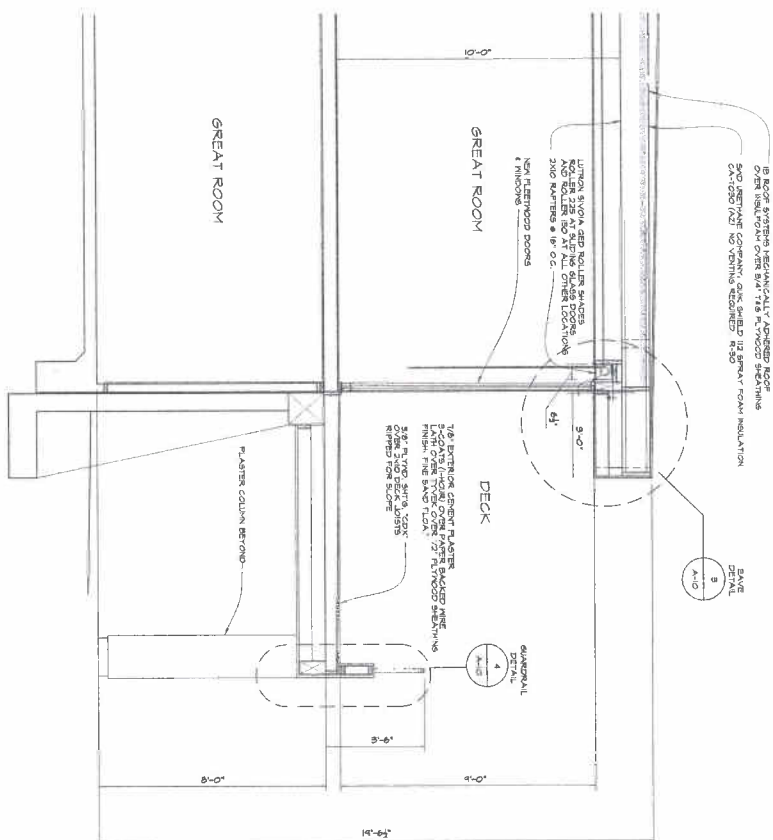




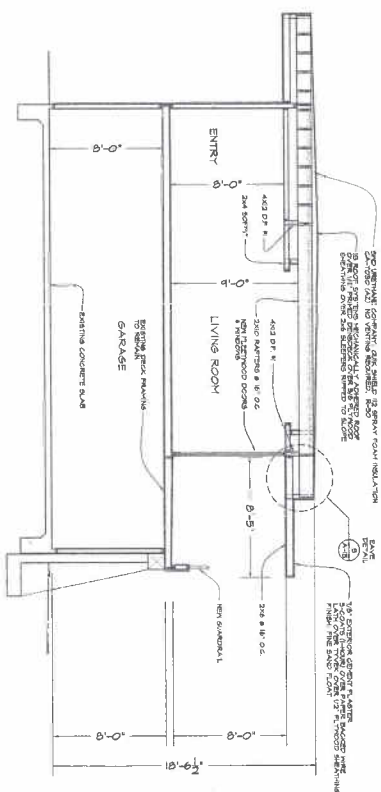


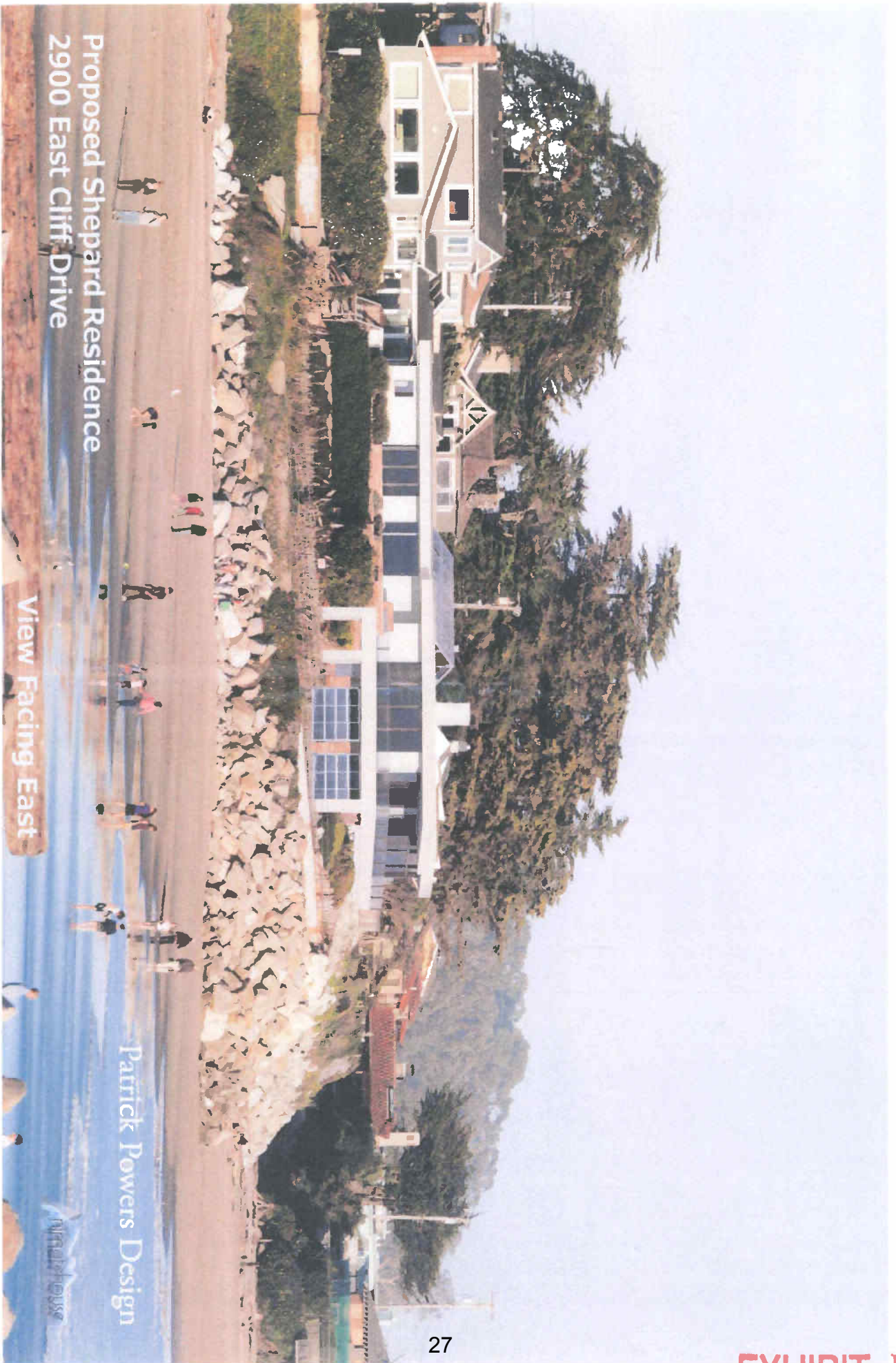


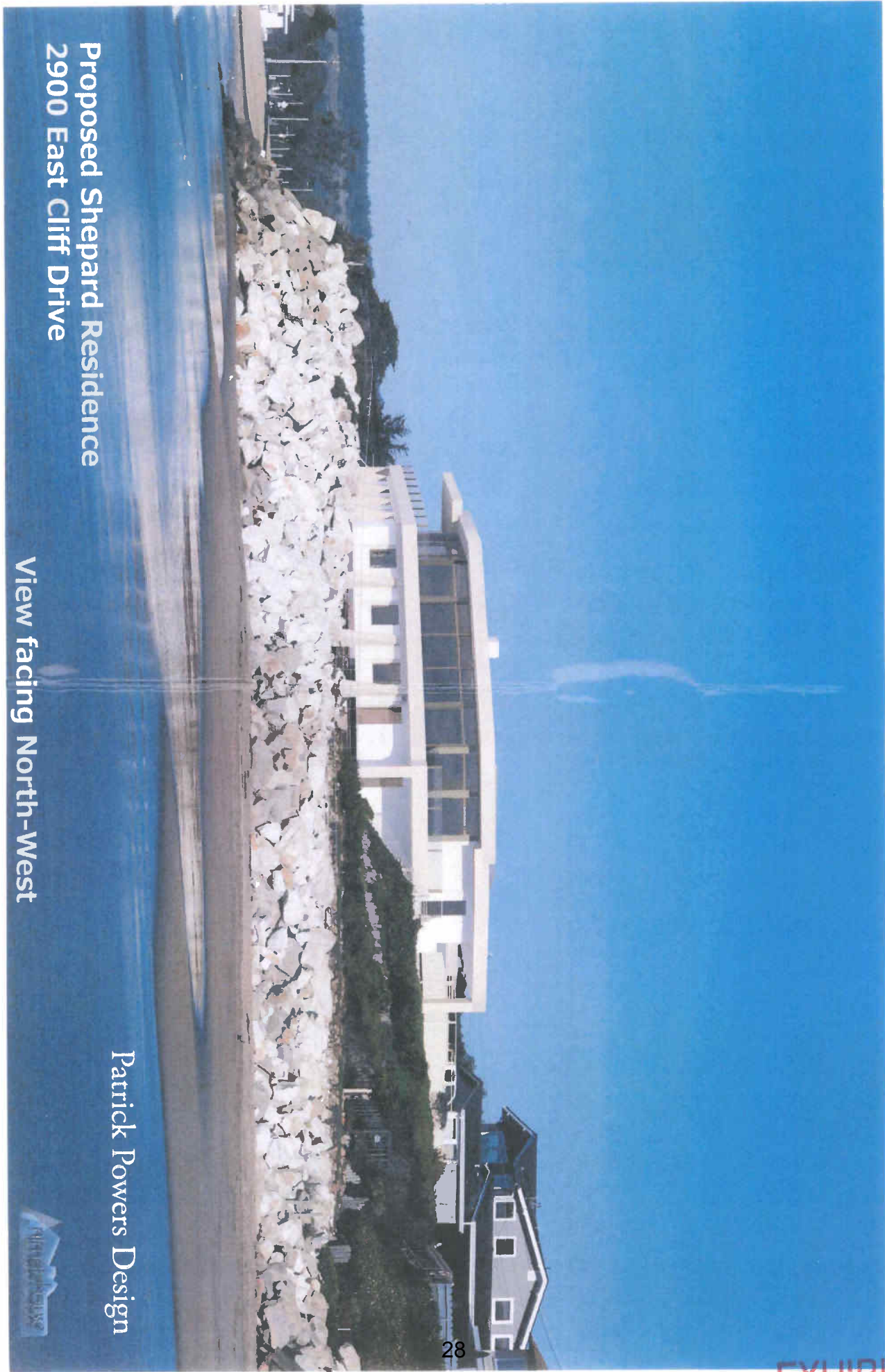
SCALE: 1/2" = 1'-0"



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







Proposed Shepard Residence
2900 East Cliff Drive

View facing North-West

Patrick Powers Design



FOR TAX PURPOSES ONLY

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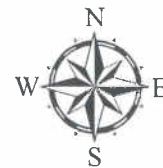


Location Map



LEGEND

-  APN: 028-132-29
-  Assessors Parcels
-  Street
-  CITY OF SANTA CRUZ
-  County Boundary

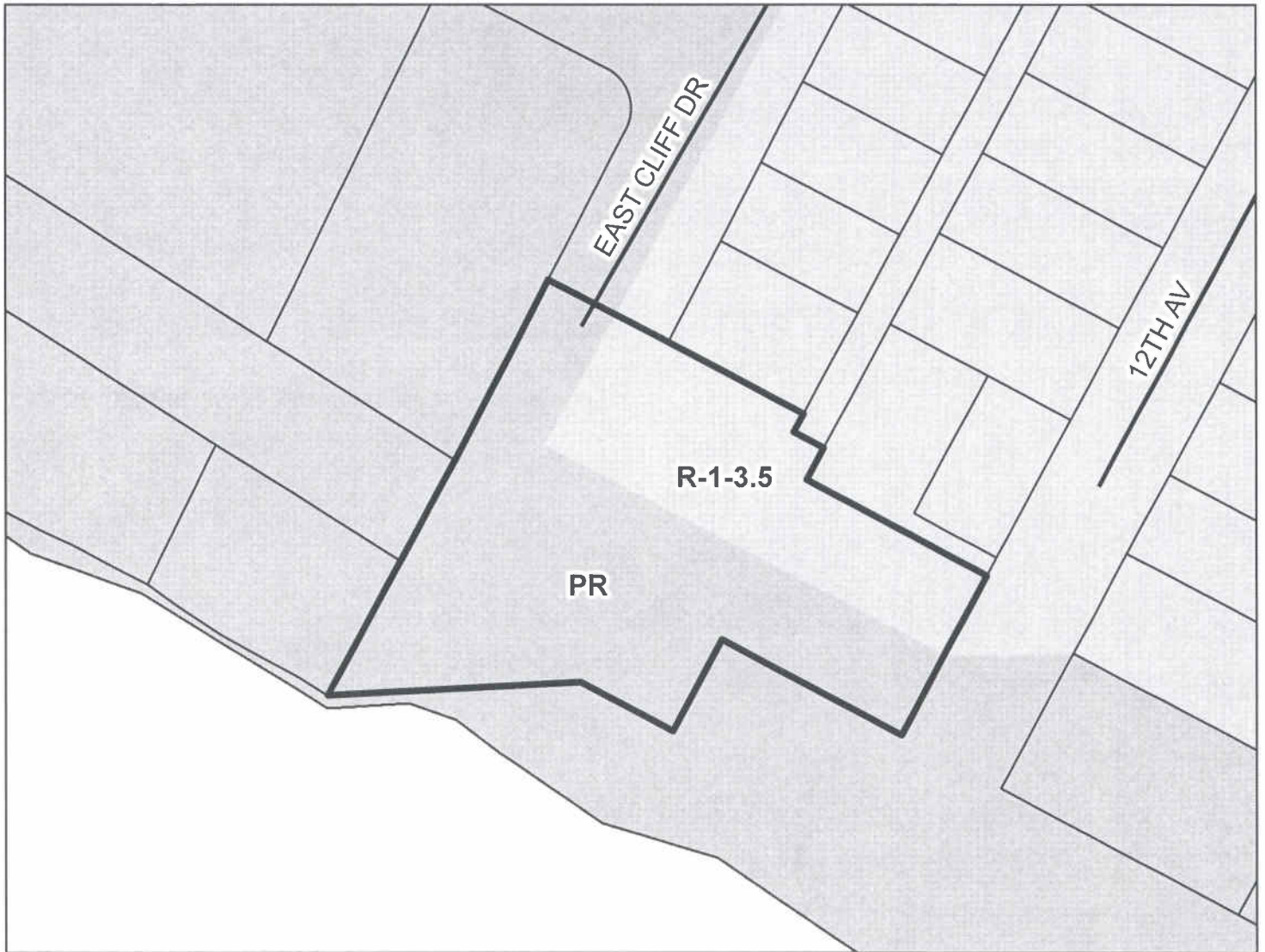


Map Created by
County of Santa Cruz
Planning Department
November 2013

EXHIBIT E

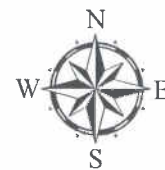


Zoning Map



LEGEND

-  APN: 028-132-29
-  Assessors Parcels
-  Street
-  County Boundary
-  RESIDENTIAL-SINGLE FAMILY
-  PARK

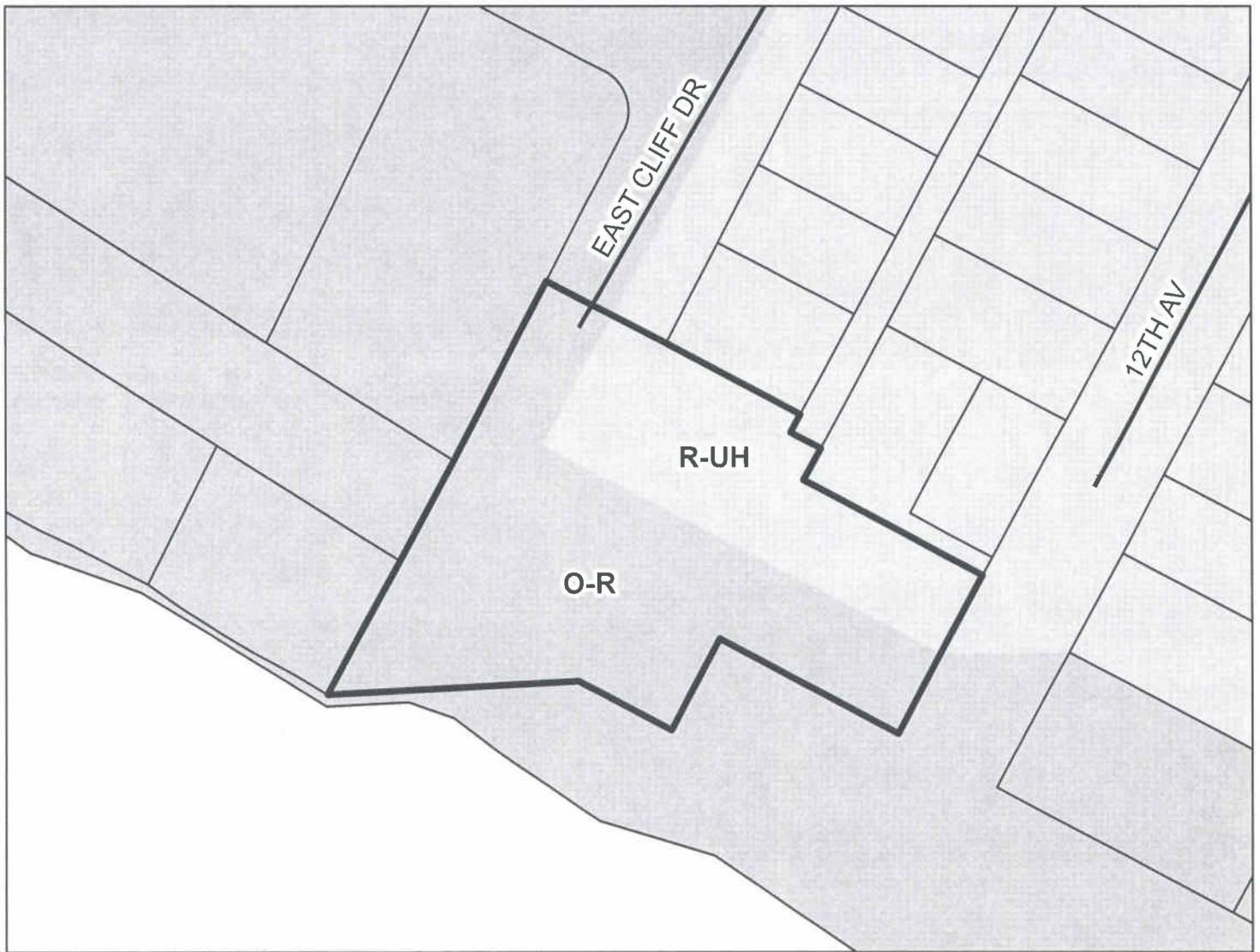


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Planning Department
November 2013







EXHIBIT E

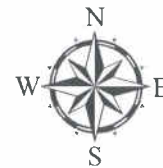


General Plan Designation Map



LEGEND

-  APN: 028-132-29
-  Assessors Parcels
-  Street
-  County Boundary
-  Residential - Urban High Density
-  Parks and Recreation



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County of Santa Cruz
Planning Department
November 2013

EXHIBIT E