

# **Staff Report to the Zoning Administrator**

Application Number: 161023

**Applicant:** Marty Fiorovich

Owner: Jack & Barbara Feinstein

**APN:** 052-321-38

Agenda Date: June 17, 2016

Agenda Item #: 2 Time: After 9:00 a.m.

**Project Description**: Proposal to remodel and construct an 874 square foot room and deck additions at an existing single family dwelling, on property located in the SU (Special Use) zone district.

**Location**: Property located at 127 Cormorant Way in Pajaro Dunes.

Supervisorial District: 2nd District (District Supervisor: Zach Friend)

Permits Required: Coastal Development Permit

Technical Reviews: Soils Report Review

#### **Staff Recommendation:**

• Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

• Approval of Application 161023, based on the attached findings and conditions.

#### **Exhibits**

A. Categorical Exemption (CEQA

determination)

B. Findings

C. Conditions

D. Project plans

E. Assessor's, Location, Zoning and

General Plan Maps

F. Comments & Correspondence

#### Parcel Information

Parcel Size:

7,753 sq ft (GIS)

Existing Land Use - Parcel:

Single family dwelling

Existing Land Use - Surrounding:

Pajaro Dunes residential neighborhood

Project Access:

Cormorant Way

Planning Area:

San Andreas

Land Use Designation:

R-UL (Urban Low Density Residential)

Zone District:

SU (Special Use)

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #: 161023 APN: 052-321-38

Owner: Jack & Barbara Feinstein

Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

#### **Environmental Information**

Geologic Hazards:

Designated flood zone - coastal beach dunes

Soils:

Report reviewed and accepted

Fire Hazard:

Not a mapped constraint

Slopes:

10-15%

Env. Sen. Habitat:

Beach dunes

Grading:

No grading proposed

Tree Removal:

No trees proposed to be removed

Scenic:

Scenic beach viewshed

Drainage:

Drainage review completed

Archeology:

Not mapped/no physical evidence on site

#### **Services Information**

Urban/Rural Services Line:

X Inside (RSL) \_ Outside

Water Supply:

City of Watsonville

Sewage Disposal:

City of Watsonville

Fire District:

CalFire

Drainage District:

Zone 7 Flood Control District

#### **Project Setting & Scope**

The subject property is located within the single family residential portion of Pajaro Dunes, a private beachside development located in the dunes beside the mouth of the Pajaro River. Homes in this area are accessed via private boardwalks from the access roadway (Cormorant Way). The predominant vegetative cover is dune grasses and associated vegetation, and the Pacific Ocean is located to the west of the development.

The structure is located on a sloped site with multiple levels within the building footprint. The project proposal consists of a remodel of the existing residence and an addition (total of approximately 874 square feet) to create a more functional living space within the dwelling.

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

The subject property is a parcel of approximately 7,753 square feet, located in the SU (Special Use) zone district, a designation which allows residential uses when paired with a residential General Fian land use designation. The proposed residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-UL (Urban Low Density Residential) General Pian designation. The subject property is located within a portion of the Pajaro Dunes Planned Unit Development (PUD) that allows structures up to 35 feet in height; without limitation on the number of stories; and where lot coverage and Floor Area Ratio do not apply for structures built within the approved building envelopes.

Resident and guest parking is provided on Cormorant Way, below the project site, and access to the dwellings is via stairways and boardwalks within the Pajaro Dunes community.

#### **Local Coastal Program Consistency**

The proposed modifications to the existing residence are 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 in the area, with additional review and oversight by the Pajaro Dunes Homeowners Association, and the design submitted is consistent with the existing range of styles in the development. The subject property is not identified as a priority acquisition site in the County's Local Coastal Program. The project site is located between the shoreline and the first public road, with private beach access available on a boardwalk located one property to the north of the subject property, and public beach access available at Sunset State Beach (Palm Beach Day Use) to the north at West Beach Road. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

#### **Design Review & Scenic Resources**

The subject property is located within a mapped scenic beach viewshed. The proposed remodel and room addition at the existing residence complies with the requirements of the County Design Review Ordinance and General Plan/Local Coastal Program policies to protect designated scenic resources. The proposed project will retain the style, character, and general form of the existing residence that will blend with the surrounding development in Pajaro Dunes to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

#### 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**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number 161023, 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

Application #: 161023 APN: 052-321-38

Owner: Jack & Barbara Feinstein

Report Prepared By: Randall Adams

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3218

E-mail: randall.adams@santacruzcounty.us

## 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: 161023

	cel Number: 052-321-38 ion: 127 Cormorant Way						
<b>Project Desc</b>	ription: Remodel and room addition at existing single family dwelling						
Person or Ag	gency Proposing Project: Marty Fiorovich						
Contact Pho	ne Number: (831) 724-1878						
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).						
C	<u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.						
D	<u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).						
EX_	Categorical Exemption						
Specify type:	Class 3 - New Construction or Conversion of Small Structures (Section 15303)						
F. Reaso	ons why the project is exempt:						
Remodel of a	n existing residence in an area designated for residential uses.						
In addition, n	one of the conditions described in Section 15300.2 apply to this project.						
	Date:						
Randall Adar	ns, Project Planner						

### **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts listed in section 13.10.170(D) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned SU (Special Use), a designation which allows residential uses when implementing a residential General Plan/Local Coastal Program land use designation. The proposed residence is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UL (Urban Low Density Residential) 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 no such easements or restrictions are known to encumber the project size.

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 and Section 13.20.140 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the colors will be natural in appearance and complementary to the site; and the building will not increase in visual bulk, mass, or height.

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 subject property is not identified as a priority acquisition site in the County's Local Coastal Program. The project site is located between the shoreline and the first public road, with private beach access available on a boardwalk located one property to the north of the subject property, and public beach access available at Sunset State Beach (Palm Beach Day Use) to the north at West Beach Road. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

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 SU (Special Use) 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 are reviewd by the Pajaro Dunes Homeowners Association, and the design submitted is consistent with the existing range of styles in the 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. 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.

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 modifications to the existing residence and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district and residential General Plan land use designation, as the primary use of the property will be one residence that meets complies with the site standards and requirements for the Pajaro Dunes Planned Unit Development.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the R-UL (Urban Low Density Residential) land use designation in the County General Plan.

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 project consists of modifications to an existing residence. The expected level of traffic generated by the proposed project is anticipated to remain at only one peak trip per day (1 peak trip per dwelling unit). The project will not overload utilities or adversely impact existing roads or intersections in the surrounding area.

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 existing residence is located in a mixed neighborhood containing a variety of architectural styles, as determined by the Pajaro Dunes Homeowners Association, and the proposed residence is consistent with the land use intensity and density of the

Application #: 161023 APN: 052-321-38

Owner: Jack & Barbara Feinstein

neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the modifications to the existing residence will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

### **Conditions of Approval**

Exhibit D: Project plans "Feinstein Residence", prepared by Marty Fiorovich, revised 2/19/16.

- I. This permit authorizes the remodel of, and the construction of an addition to, an existing dwelling, as depicted in the approved Exhibit "D" for this permit. 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. 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. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    - 2. 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 sheet in 8 1/2" x 11" format for Planning Department review and approval.
    - 3. Grading, drainage, and erosion control plans.

- 4. Details showing compliance with fire department requirements.
- B. Meet all requirements of the Environmental Planning section of the Planning Department.
- C. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of CalFire.
- E. Pay the current fees for Parks and Child Care mitigation for 1 bedroom(s). Currently, these fees are, respectively, \$800 and \$109 per bedroom.
- 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.
- 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.
- 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, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

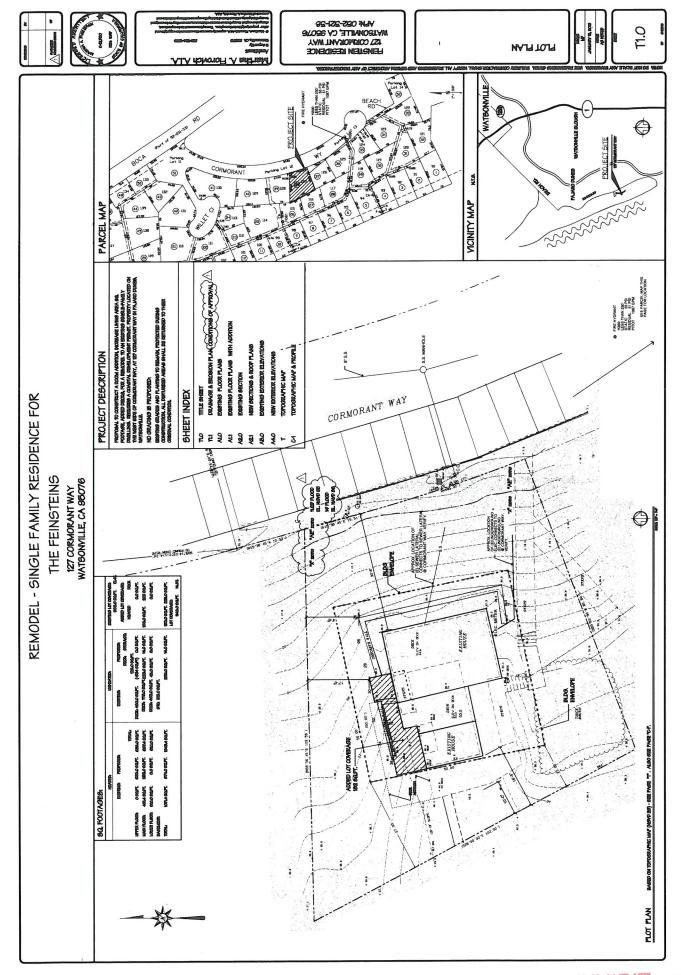
Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

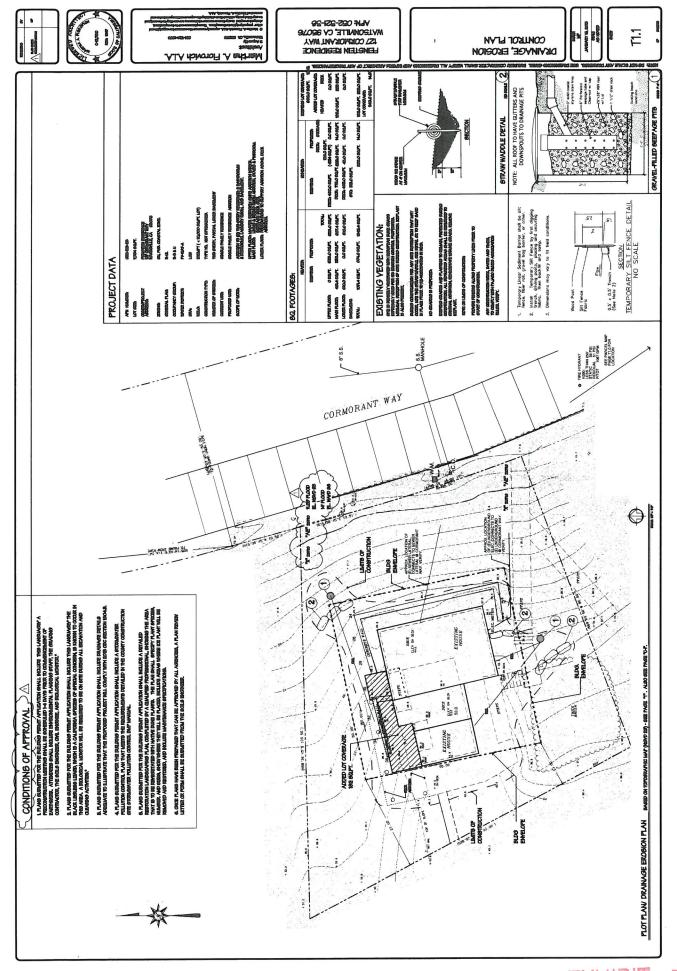
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures 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.

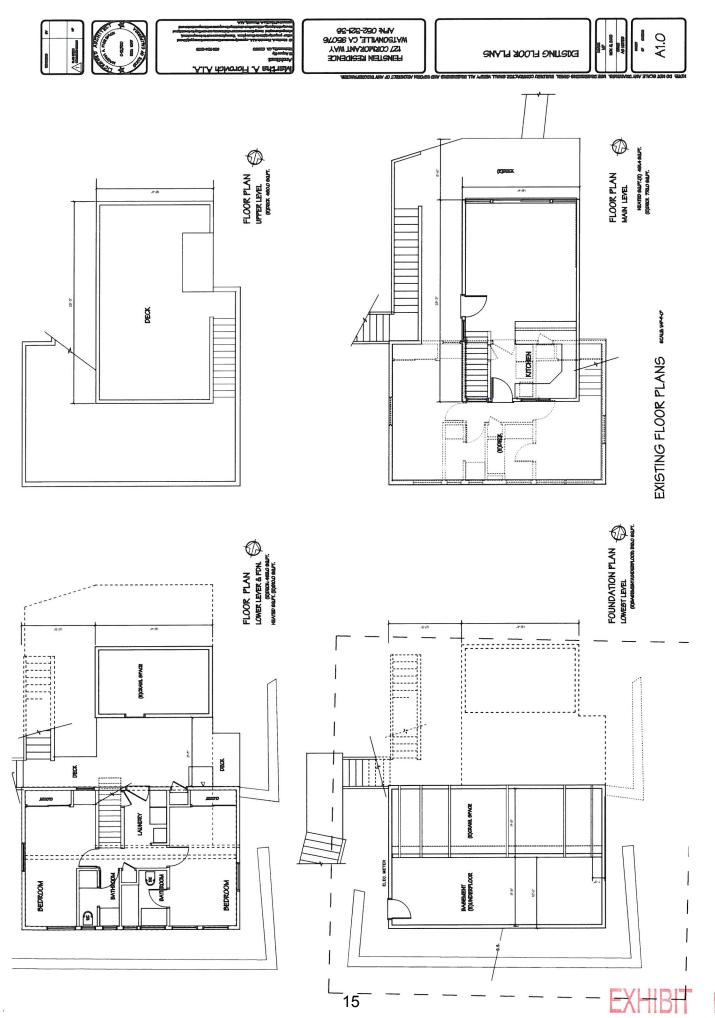
APN: 052-321-38 Owner: Jack & Barbara Feinstein				
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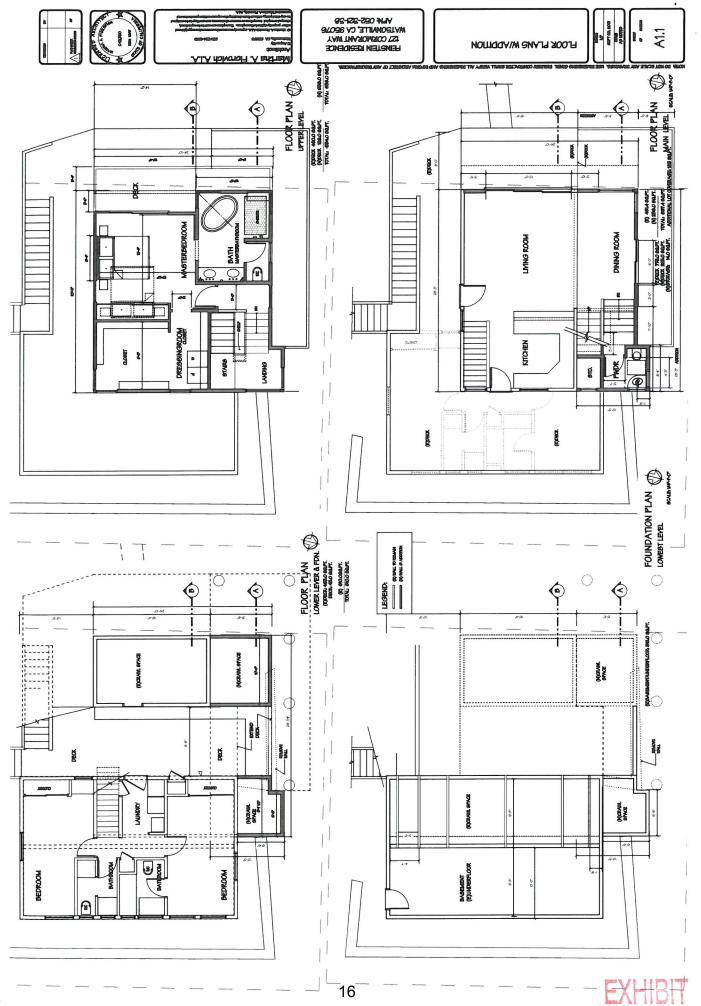
Application #: 161023

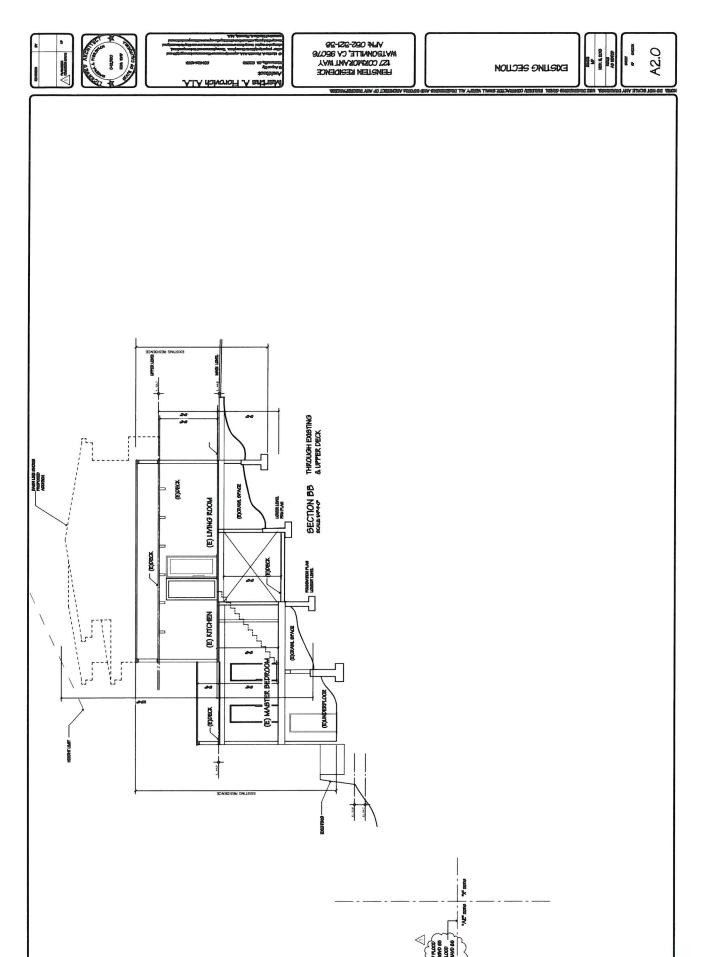
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

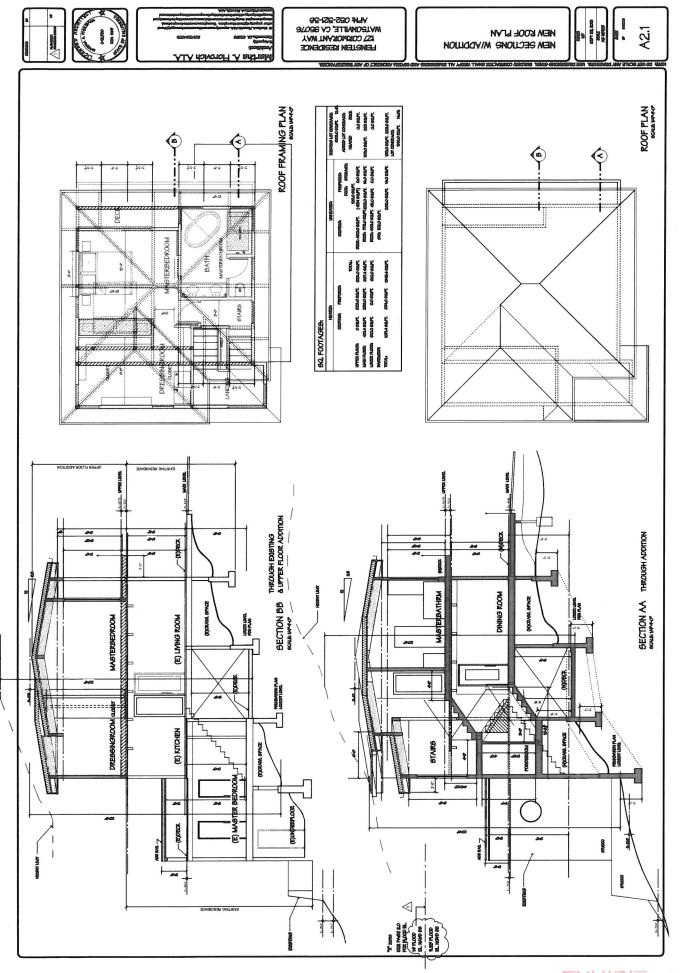


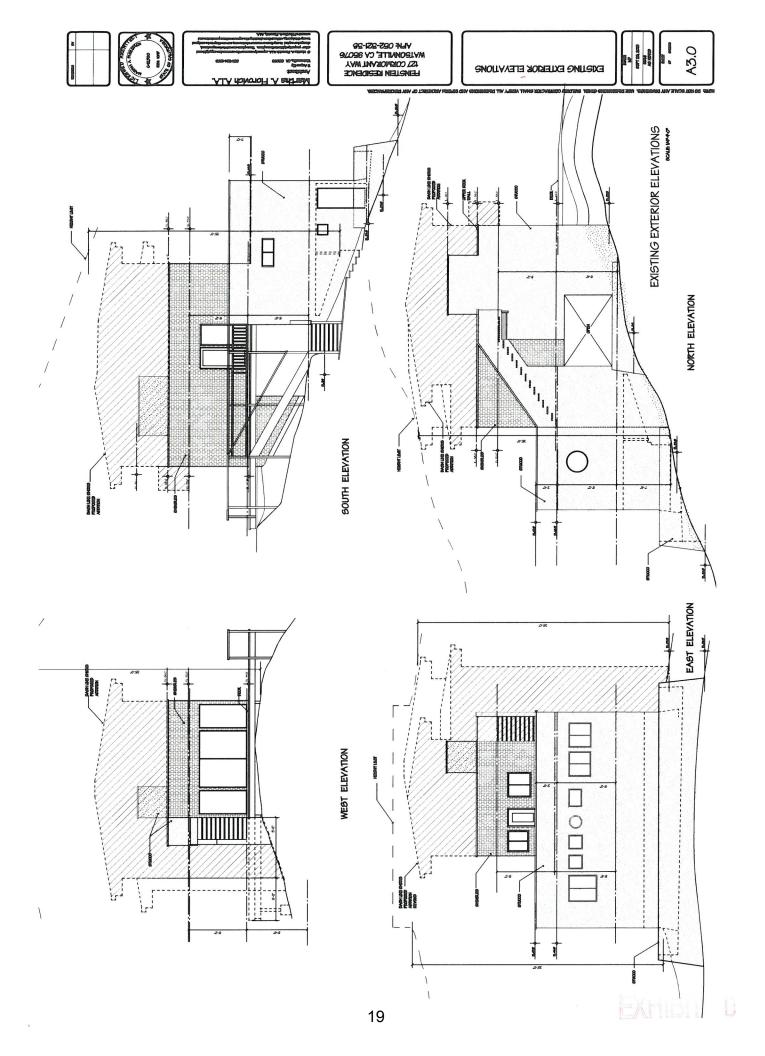


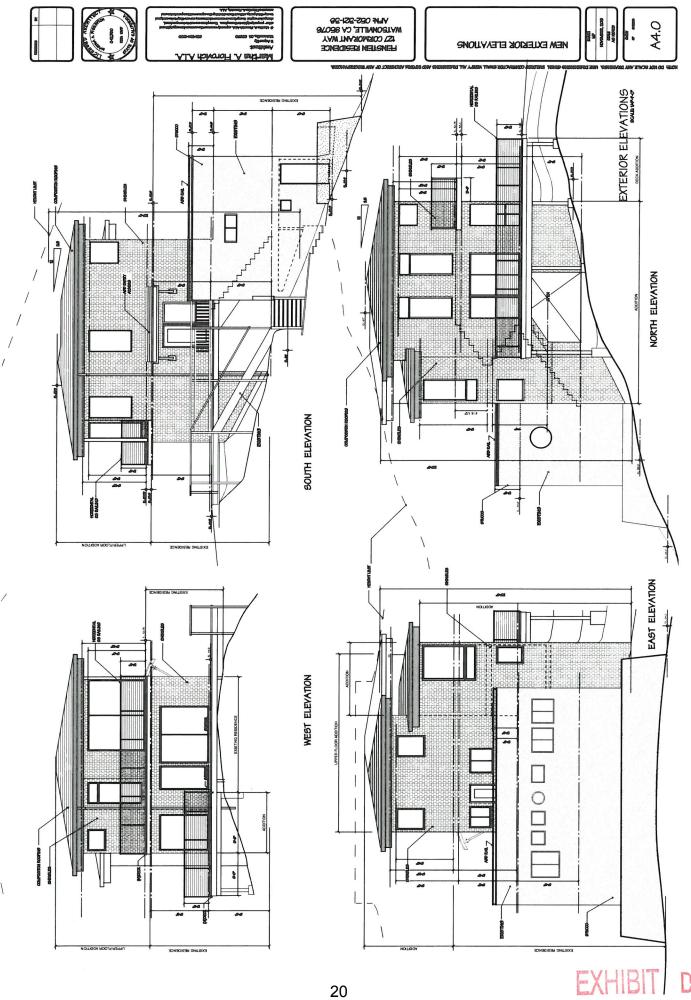


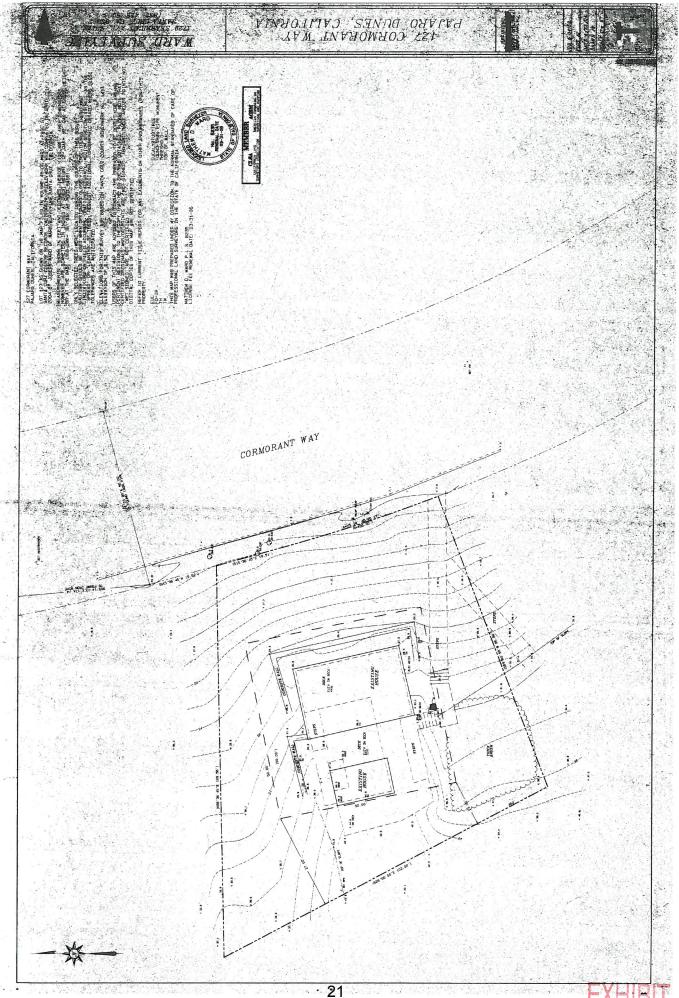


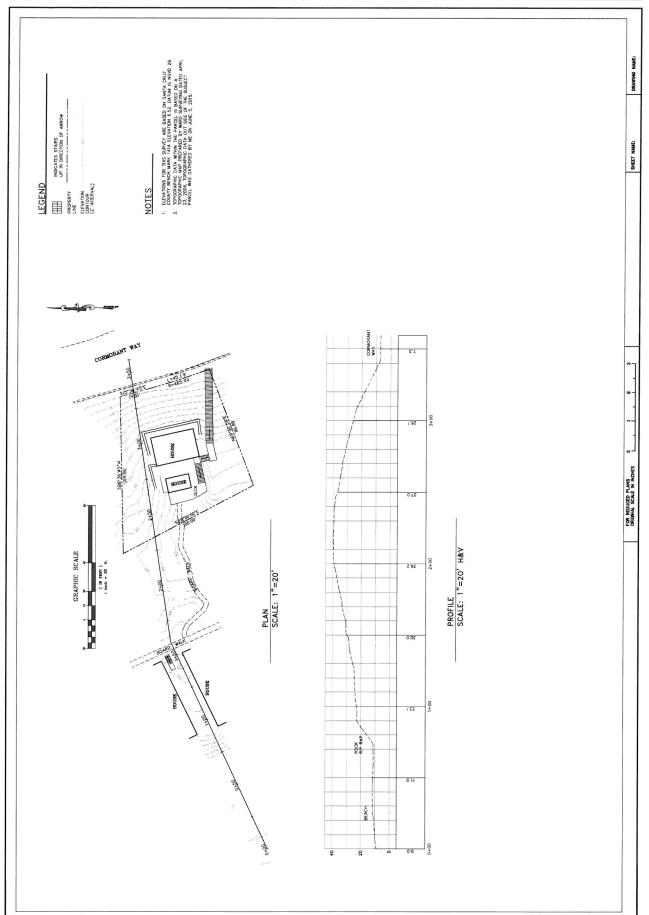


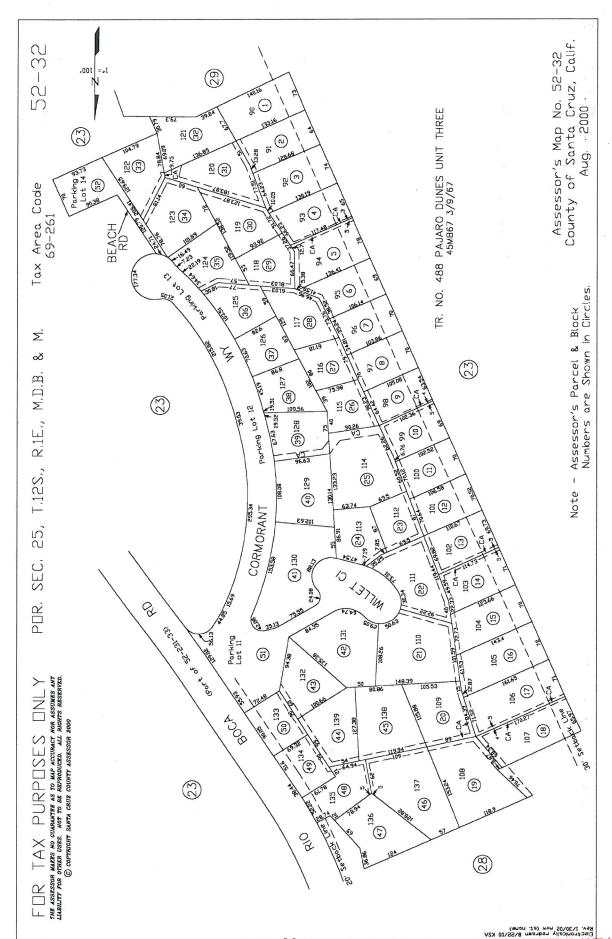






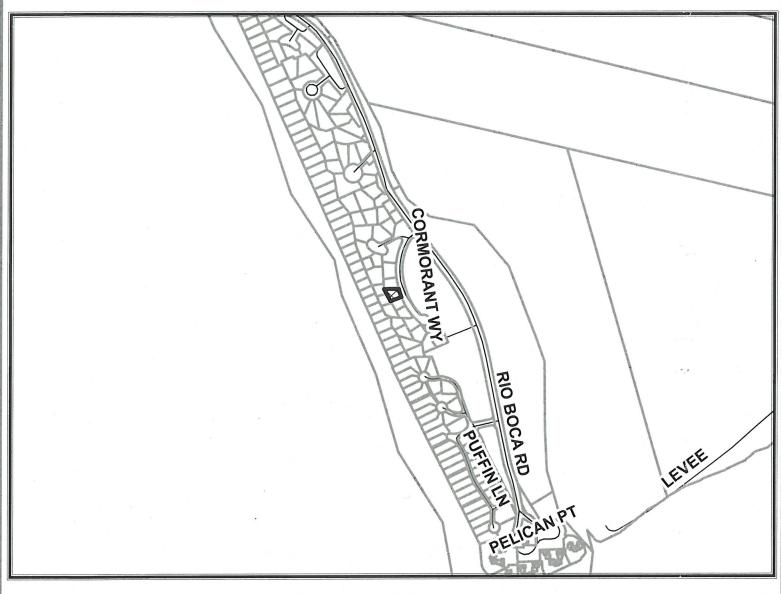


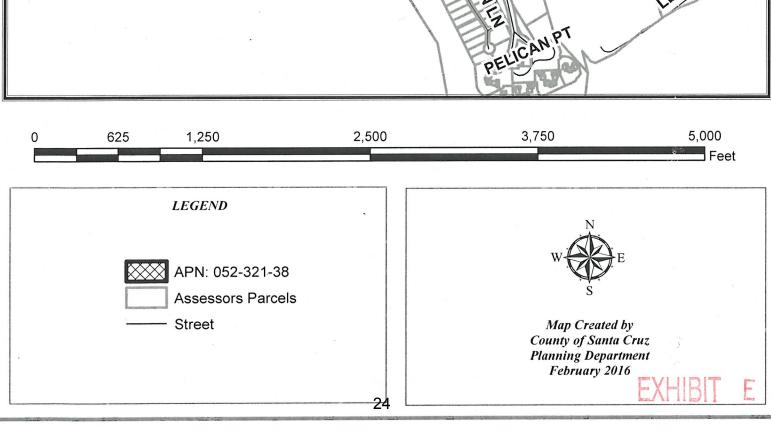






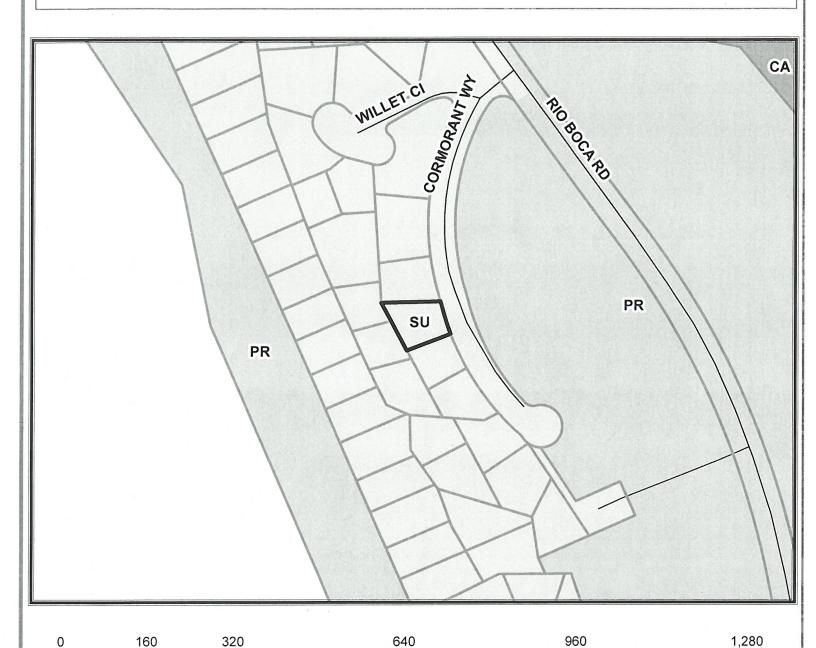
## Location Map



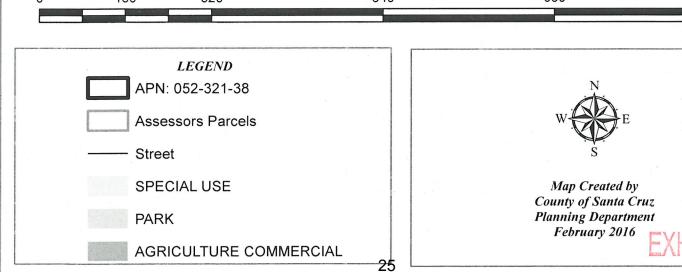




## Zoning Map

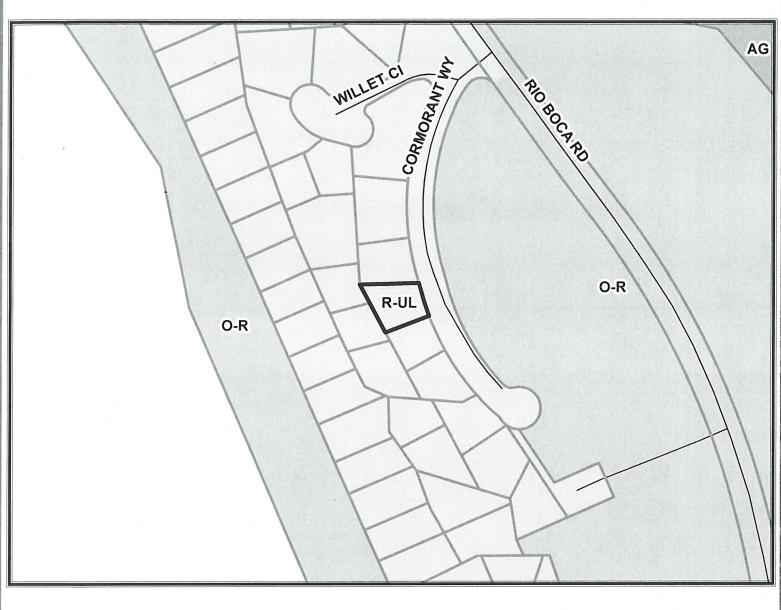


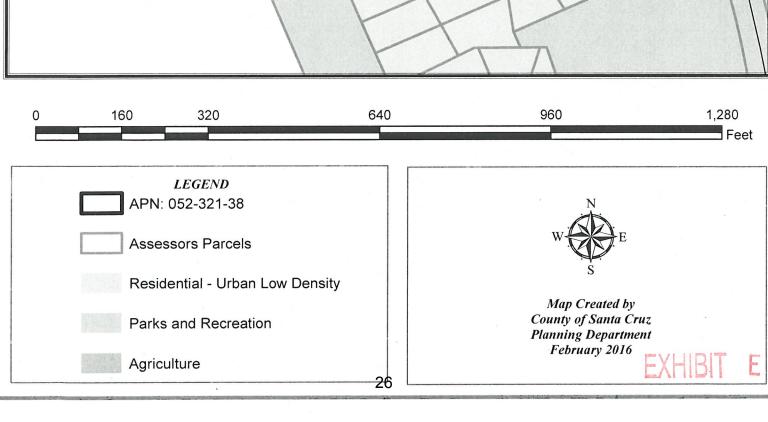
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## General Plan Designation Map







#### PAJARO DUNES ASSOCIATION

January 13, 2016

Jack and Ellen Feinstein 18440 Hilltop Road Lake Oswego, Oregon 97034

Dear Mr. & Mrs. Feinstein:

This letter is regarding your plans to remodel your home at 127 Cormorant Way. The Committee granted preliminary approval on January 8, 2016.

The Pajaro Dunes Association Design Committee grants preliminary approval of the plans dated September 18, 2015 and reviewed on October 30, 2015. The plans were posted, with notices to the membership, from November 20, 2015 to December 4, 2015. No negative comments were received and the Committee granted preliminary approval during its January 8, 2016 meeting.

When you have obtained your permit from the County of Santa Cruz, please provide the Design Committee with three stamped copies, a copy of the permit and coastal permit including all notes and requirements. Landscaping plans, color/materials pallet, and a digital copy (preferably in pdf format) of the plans must be submitted for final approval. Please refer to the Design Committee Rules for specifics.

FOR THE DESIGN COMMITTEE

Carol Turlez

Sincerely,

**Carol Turley** 

**General Manager** 

Pajaro Dunes Association