

Staff Report to the Zoning Administrator

Application Number: 151303

Applicant: William C. Kempf

Owner: Ed Mallov APN: 028-221-14

Agenda Date: 10/21/16

Agenda Item #:

Time: After 9:00 a.m.

Project Description: Proposal to demolish an existing 968 square foot single family dwelling and detached accessory structure and construct a new two story approximately 2,000 square foot single family dwelling with attached garage. Requires a Coastal Development Permit.

Location: Property located on the east side of Sunny Cove drive approximately 300 feet south of the intersection with East Cliff Drive (134 Sunny Cove Drive).

Supervisorial District: First District (District Supervisor: Leopold)

Permits Required: Coastal Development Permit

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 151303, based on the attached findings and conditions.

Exhibits

A. Categorical Exemption (CEQA

E. Assessor's, Location, Zoning and General Plan Maps

Comments & Correspondence

determination)

B. **Findings**

C. Conditions D.

Project plans

Parcel Information

Parcel Size:

4,000 square feet

Existing Land Use - Parcel:

Residential

Existing Land Use - Surrounding:

Residential

Project Access:

Sunny Cove Drive

Planning Area:

Live Oak

Land Use Designation:

R-UM (Urban Medium Residential)

F.

Zone District:

R-1-4 (Single family residential (minimum parcel size

4,000 square feet))

Coastal Zone:

X Inside _ Outside

Appealable to Calif. Coastal

X Yes No

Comm.

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

Combined Soils and Geology Report accepted (REV151108)

Fire Hazard:

Not a mapped constraint

Slopes:

Relatively flat lot

Env. Sen. Habitat:

Not mapped/no physical evidence on site

Grading:

38 cubic yards (cut)

Tree Removal:

No trees proposed to be removed

Scenic:

Not a mapped resource

Drainage: Archeology:

Existing drainage adequate

Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:

X Inside _ Outside

Water Supply:

City of Santa Cruz Water

Sewage Disposal:

County Sanitation District

Fire District:

Central Fire Protection

Drainage District:

Flood Control District 5

History

The subject property is developed with an existing 968 square foot single family dwelling and detached garage constructed in approximately 1930. The proposal includes the demolition of both structures. A historic evaluation of the existing structures and property was prepared by Franklin Maggi, Architectural Historian on June 8, 2016. The evaluation concluded that that the property would not be considered a historic resource.

Project Setting

The proposed project is located in an existing developed residential neighborhood and is across the street from Sunny Cove Beach. The project is more than 50 feet from the coastal bluff on the other side of the street (Sunny Cove Drive). The neighborhood consists of a mix of old and newer houses in a variety of styles. Sunny Cove Drive is a County maintained road.

Zoning & General Plan Consistency

The subject property is a parcel of 4,000 square feet, located in the R-1-4 (Single family residential (minimum parcel size 4,000 square feet)) zone district, a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UM (Urban Medium Residential)

Owner: Malloy

General Plan designation.

Local Coastal Program Consistency

The proposed single family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single family dwellings. Size and architectural styles vary widely in the area, and the design submitted is 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. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water in that existing "primitive" beach access is located across the street from the project site.

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 151303, 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: Nathan MacBeth

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3118

E-mail: nathan.macbeth@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: 151303 Assessor Parcel Number: 028-221-14 Project Location: 134 SunnyCcove Drive
Project Description: Demolish an existing single family dwelling and construut a replacement dwelling.
Person or Agency Proposing Project: William Kempf
Contact Phone Number: (831) 459-0951
 A 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 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: Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reasons why the project is exempt:
A class 3 categorical exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. An example of this exemption includes, but is not limited to: (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption. 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, listed in section 13.10.170(D) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-4 (Single family residential (minimum parcel size 4,000 square feet)), a designation which allows residential uses. The proposed single family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UM (Urban Medium 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 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 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 site is surrounded by lots developed to an urban density; the proposed colors will be natural in appearance and complementary to the site. The existing home is visible from the beach and the proposed development will continue to be visible from the beach. The project has been designed to be set back further from the edge of the coastal bluff (across Sunny Cove Drive) and incorporates architectural elements such as an increased second story setback, comprehensive landscape plan, and building façade articulation to ensure the project is consistent in terms of style with the surrounding built environment.

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 the nearest through 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 located between the shoreline and the first public road however the project will not interfere with public access to the beach, ocean, or any nearby body of water. Several existing "primitive" beach access trails are located along the west and south side of Sunny Cove Drive leading down to Sunny Cove Beach. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-4 (Single family residential (minimum parcel size

4,000 square feet)) 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.

A Geotechnical Engineering (with geology) Investigation Report prepared by CMAG Engineering dated September 23, 2015, was submitted to the County for review. The County Geologist reviewed and accepted the report on November 3, 2015. It was determined that the proposed development is consistent with the County's Geologic Hazards Ordinance with respect to geologic setback to the coastal bluff. No shoreline protection structure is proposed. Additional information and a copy of this report is on file with the Planning Department (REV151108). The project has been conditioned to ensure compliance with the recommendations of the project Geotechnical Engineer and Geologist.

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. The proposed single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to these amenities.

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 single family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (Single family residential (minimum parcel size 4,000 square feet)) zone district as the primary use of the property will be one single family dwelling with attached garage that meets all current site standards for the zone district.

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

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

The proposed single family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed single family dwelling 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 single family dwelling will comply with the site standards for the R-1-4 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.

The project site is not designated as a Scenic Resource in the General Plan and 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 single replacement family dwelling is to be constructed on an existing lot that has been developed with a single family dwelling since the 1930s. The proposed project consisting of demolition of the existing home and replacement with a single family home on the site will not result in an increase in traffic. Existing utilities serve the site. No adverse impacts on existing roads, intersection or utilities are 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 single family dwelling is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the proposed single family dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The project site is currently visible from Sunny Cove Beach and will continue to be visible as a result of the project. The proposed color and materials will be "earth tone" and complimentary to the site.

Conditions of Approval

Exhibit D: Project Plans 10 sheets, prepared by William C Kempf, revised 6/10/16

- I. This permit authorizes the demolition of an existing home and construction of a new single family dwelling and associated improvements. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. 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.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
- 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. A drainage plan which complies with the requirements set forth in 2013 California Building Code (CBC) Section 1804.3 and the recommendations of the soils engineer.
- 4. A stormwater pollution control plan which complies with the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual.
- 5. Final grading plans must note the depth and show the extent of proposed overexcavation and recompaction.
- 6. Tree protection fencing to be located a minimum of 5 feet from all trees to remain.
- 7. Please note on the plans that the proposed driveway shall conform to figure DW-5 of the County of Santa Cruz Design Criteria. Please include Figure DW-5 on the plans and provide a centerline profile for the driveway. The design criteria can be found on the internet at: http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.pdf
- 8. Details showing compliance with fire department requirements.
- B. 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.
- C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- D. Submit 2 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- E. Building permit application plans shall reference the soils report and include a statement that the project shall conform to the report's recommendations.
- F. Submit a signed and stamped Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The plan review form shall reference each reviewed sheet of the final plan set by its last revision date. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form.
- G. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for 1

additional bedroom. Please contact the Department of Public works for a current list of fees.

- I. 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.
- J. 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. Construction Hours: All demolition and construction activities shall be limited to the hours of 8a.m. to 6 p.m. Monday through Friday unless a temporary exception to this restriction is approved in advance by the Planning Department.
 - D. Earthwork is prohibited during the rainy season (October 15-April 15) unless a winter grading permit is approved by the Planning Director.
 - E. The project must comply with all recommendations of the approved soils reports.
 - F. 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.

28-221-14 Malloy	
Approval Date:	
Effective Date:	
Expiration Date:	
	N. 1 N. D. 1
Wanda Williams	Nathan MacBeth

Application #: 151303

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.

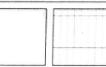
EXHWID D

NEW RESIDENCE FOR:

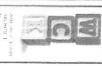
THE MALLOY FAMILY 134 SUNNY COVE DRIVE, SANTA, CRUZ COUNTY, CALIFORNIA

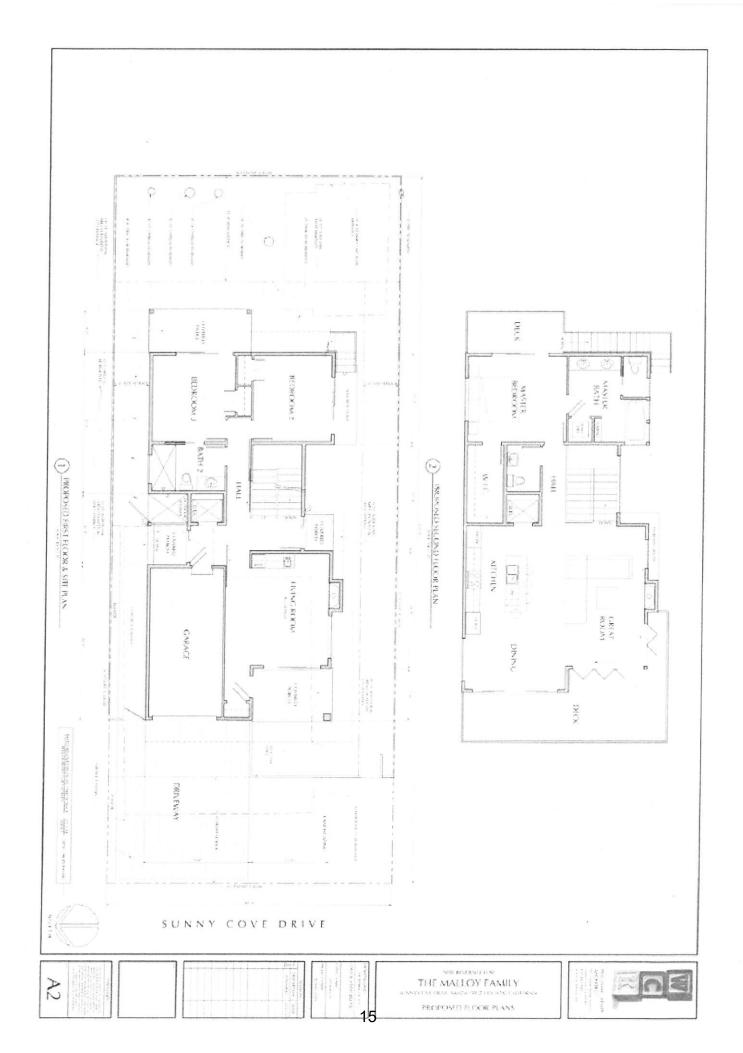
Column	ABBREVIATIONS & SYMBOLS		MONTEREY BAY	VICINITYMAP
The control of the co	GENERAL NOTES		ABORTON WILLIAM E. SER MELLY ABORTON VOLUMENTE SAND VOLUMEN	CONSULTANTS
CONTRIBUTION AND THE PROPERTY AND THE PR	SHEET INDEX		TRANSPORTER TRANS	PROJECT DATA
		A TAY SHELL WITH THE FAMILY HAS LANGUAGED A VEHICLE OF THE PARKET OF THE	TOTAL MANY AND CONTROL AND AND CONTROL AND AND AND AND AND AND AND AN	ARFA CALCIII ATIONS

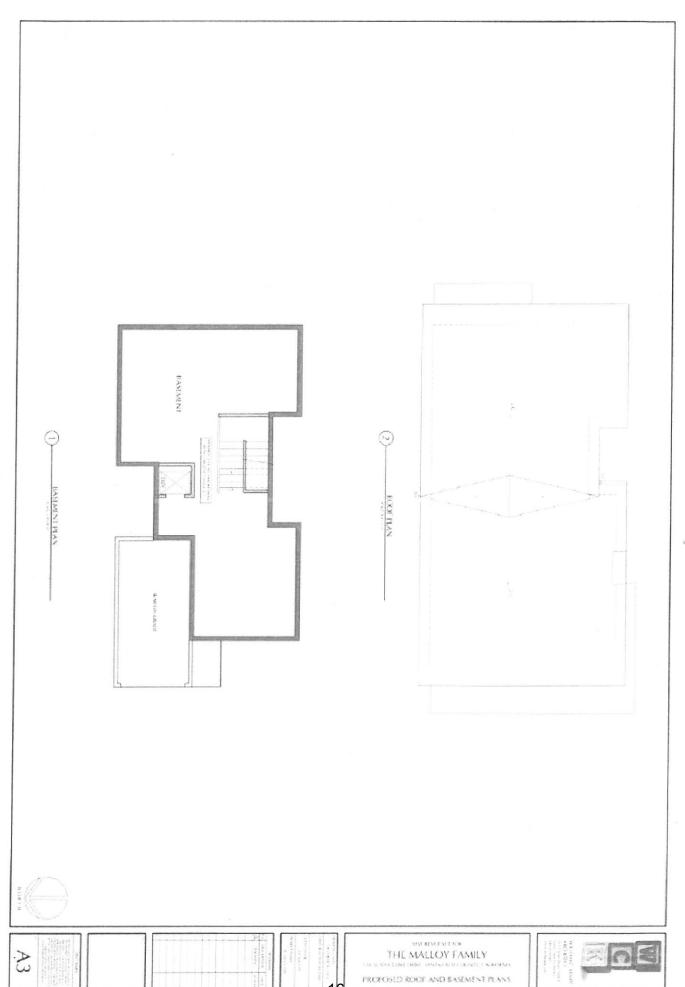




SIGNED FOR A STATE OF THE MALLOY FAMILY
THE OF CONTROL OF THE SECOND CONTROL OF THE SECO











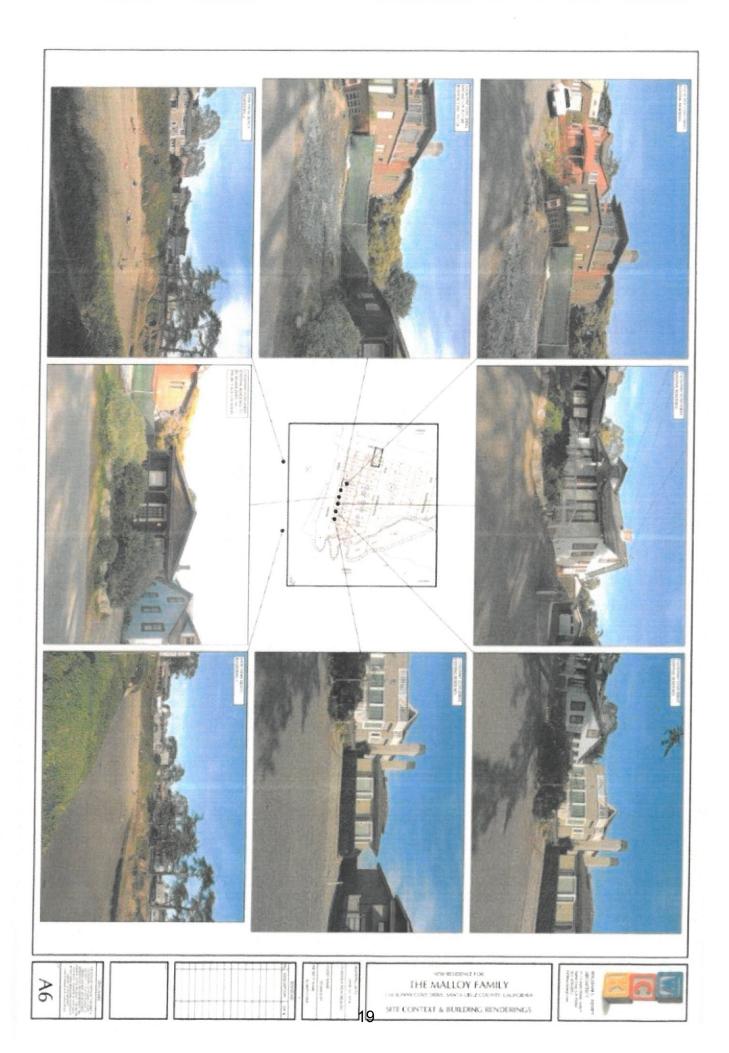


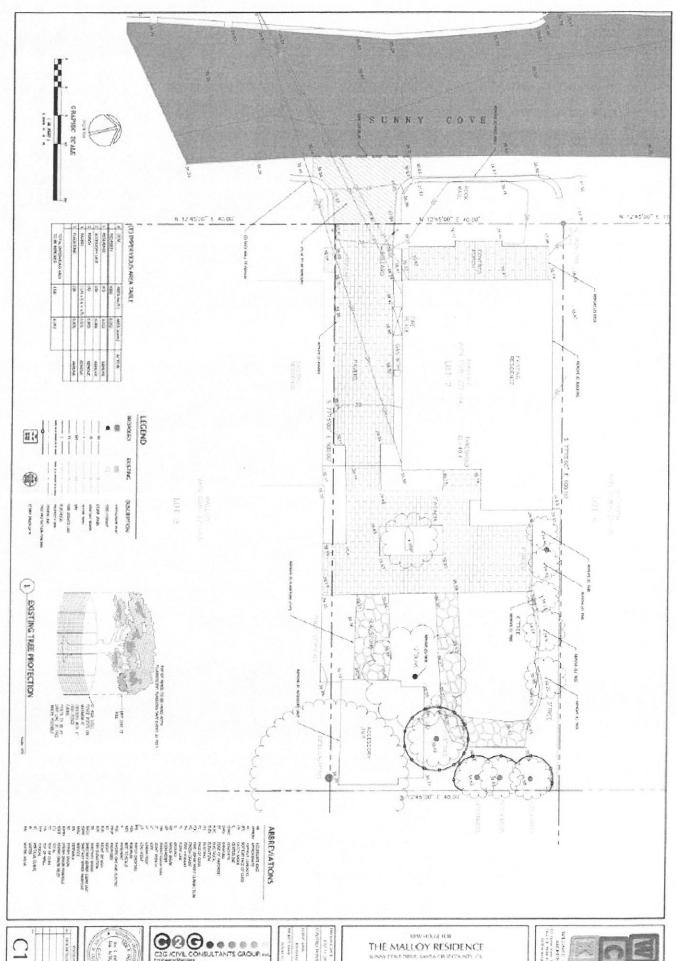














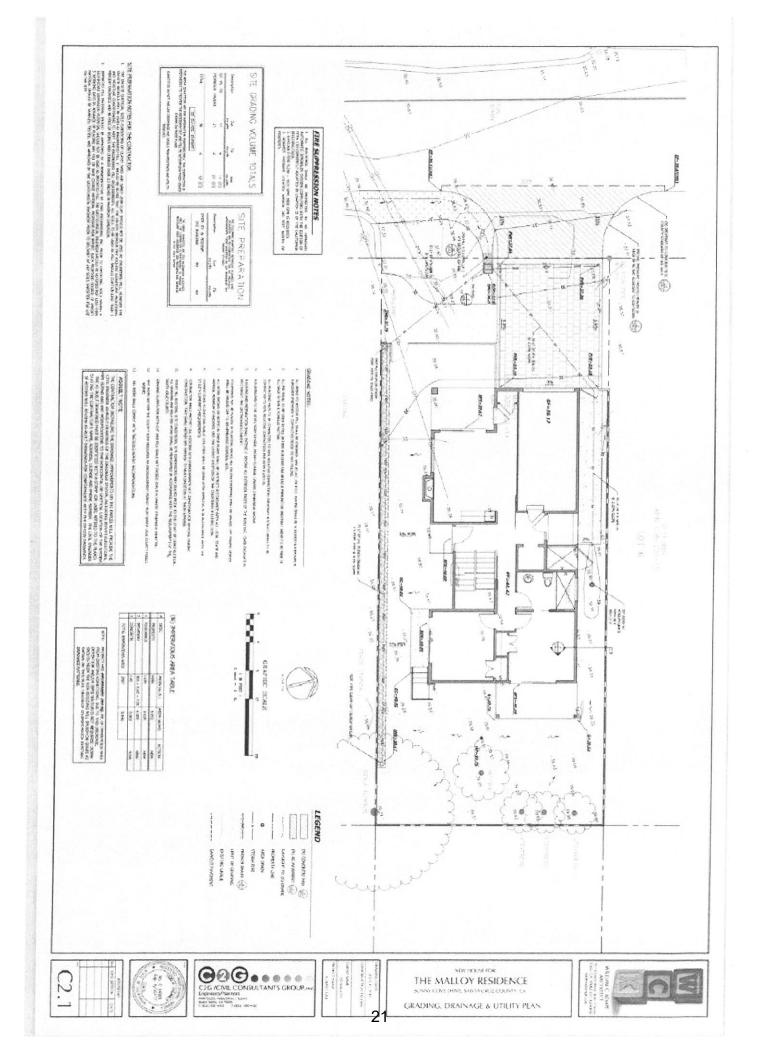


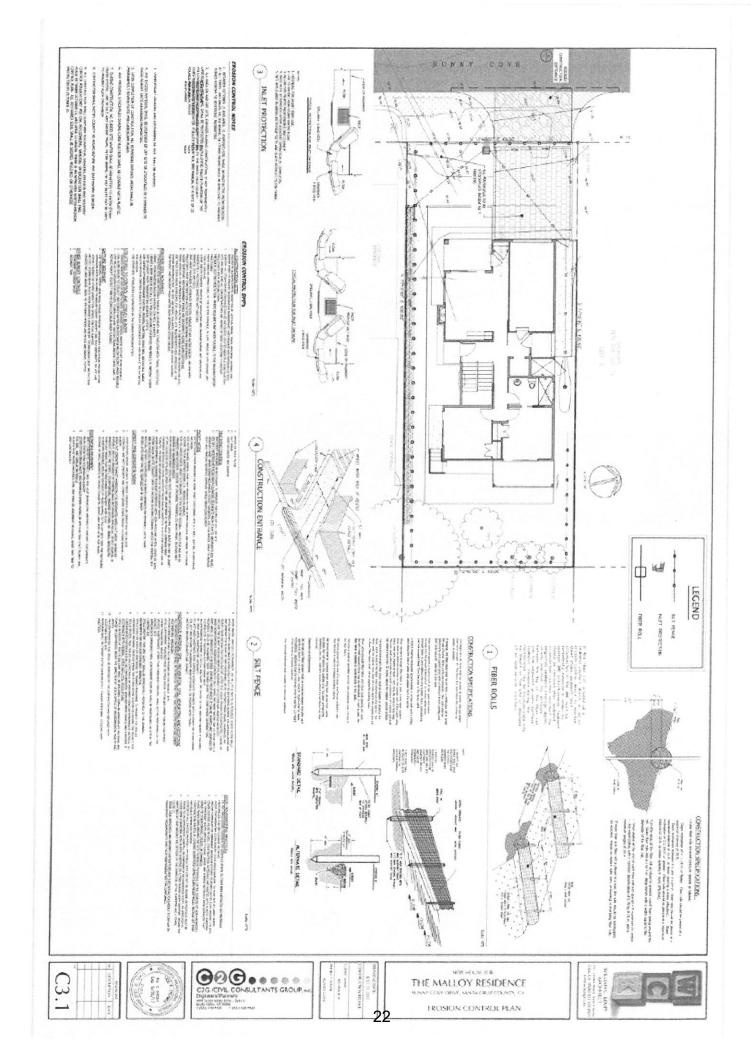


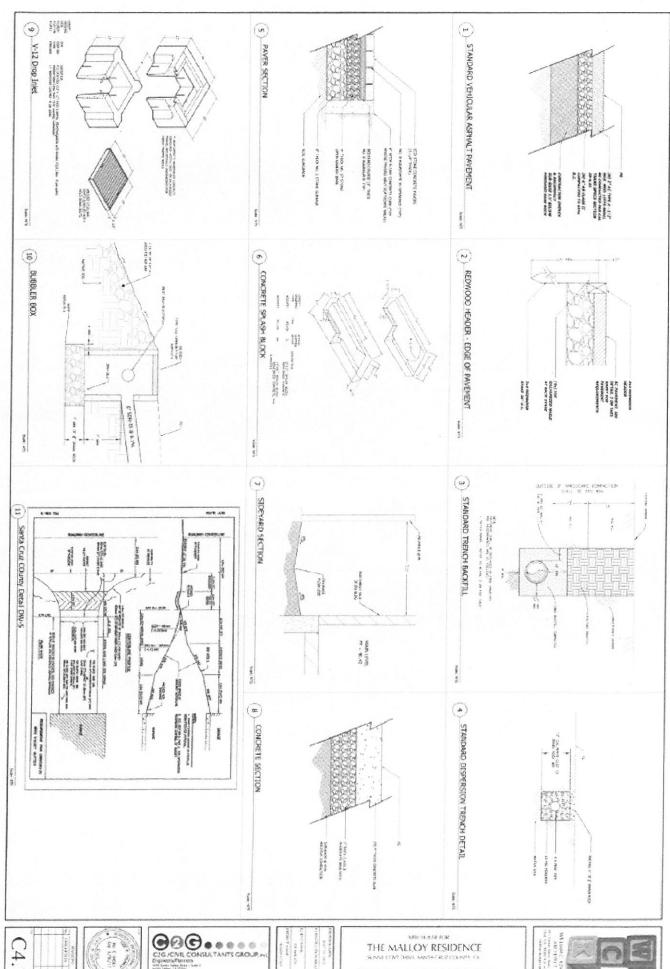


DEMO PEAN & EXISTING CONDITIONS















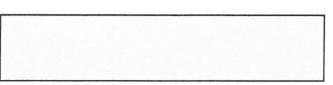








FIBER CEMENT SIDING
THE SHERWIN-WILLIAMS COMPANY
SUPERPAINT EXTERIOR SATIN LATEX
COLOR: CLASSIC LIGHT BLUFF - SW 0050



CEMENT PLASTER:

THE SHERWIN-WILLIAMS COMPANY SUPERPAINT EXTERIOR SATIN LATEX COLOR: ICE CUBE - SW 6252



DOOR AND WINDOW FRAMES:

MARVIN ULTIMATE
ALUMINUM CLAD WOOD
COLOR: BRONZE



WOOD TRIM COLOR:

THE SHERWIN-WILLIAMS COMPANY SUPERPAINT EXTERIOR SATIN LATEX COLOR: TRICORN BLACK - SW 6258



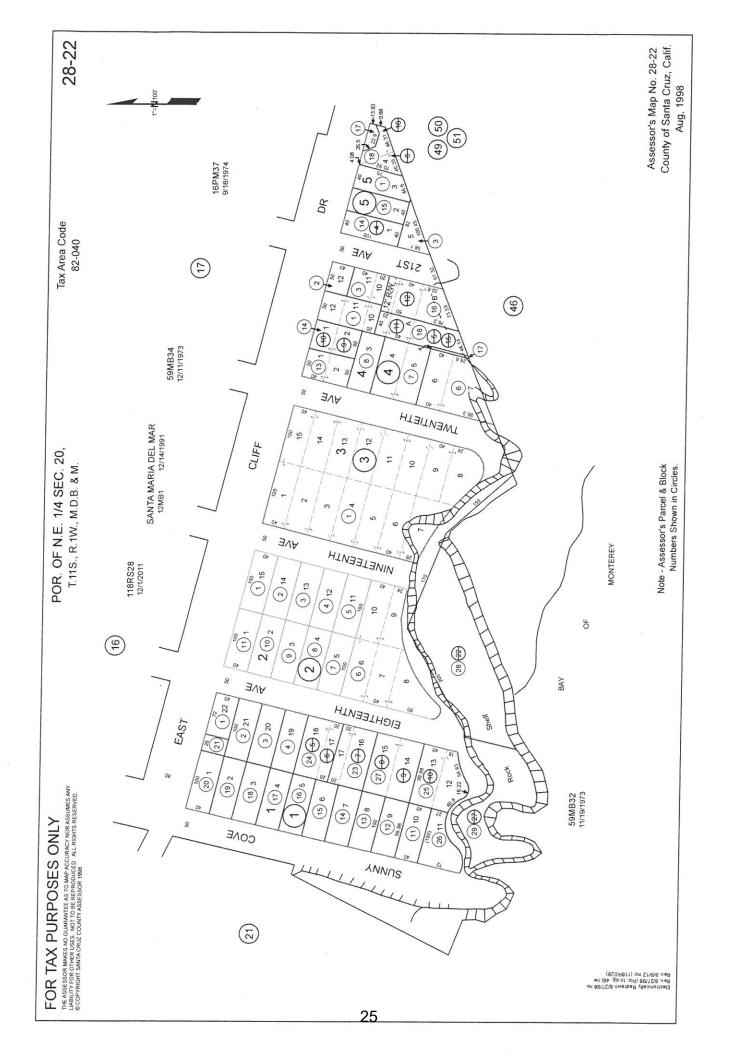
THE MALLOY FAMILY 134 SUNNY COVE DRIVE, SANTA CRUZ COUNTY, CALIFORNIA

DATE: APRIL 6, 2016

WILLIAM C. KEMPF, ARCHITECT 911 CENTER STREET, SUITE F SANTA CRUZ, CALIFORNIA 95060 831 459-0951, fax 831 459-0950 THE DATA SET FORTH ON THIS SHEET IS THE PROPERTY OF WILLIAM C. KEMPF, ARCHITECT. IT IS AN INSTRUMENT OF SERVICE AND MAY NOT BE ALTERED, REPRODUCED, OR USED WITHOUT THE CONSENT OF THE ARCHITECT. THE PROPER ELECTRONIC TRANSFER OF DATA SHALL BE THE USER'S RESPONSIBILITY WITHOUT LIABILITY TO THE ARCHITECT. UNAUTHORIZED USE IS PROHIBITED.

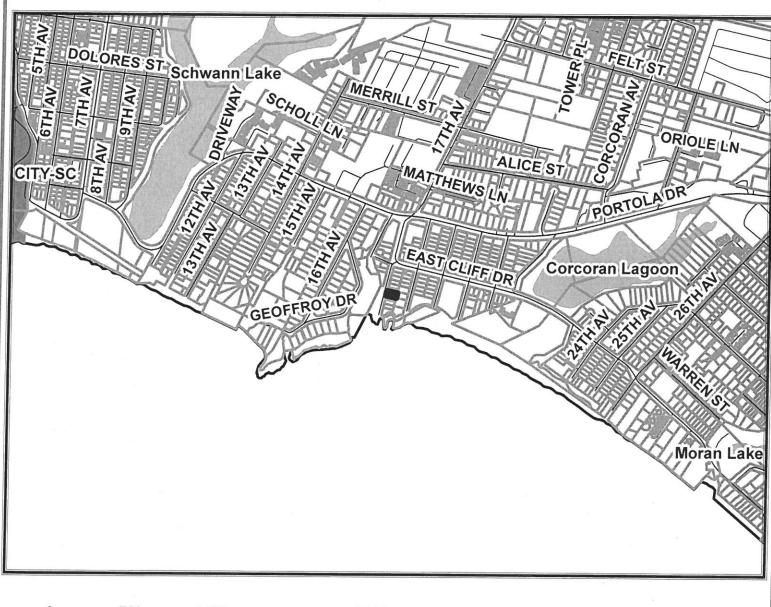
SHEET

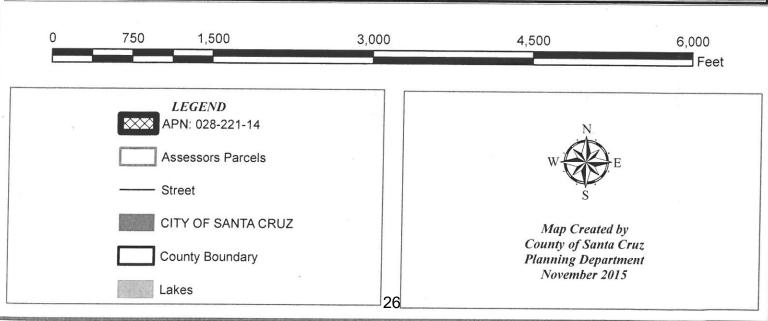
CB₁





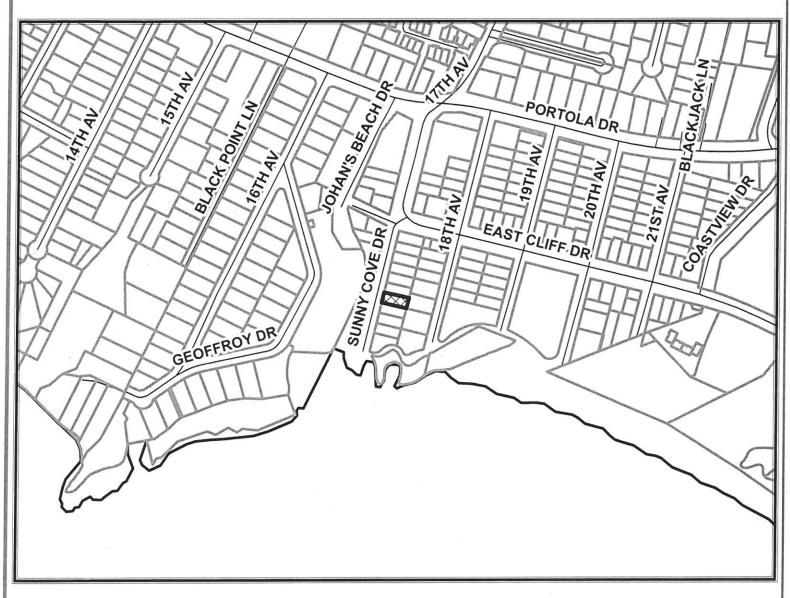
Vicinity Map

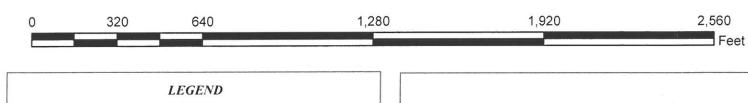


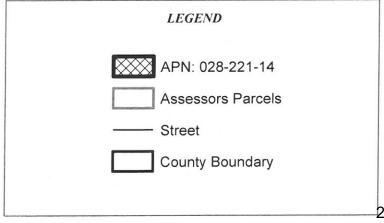




Location Map





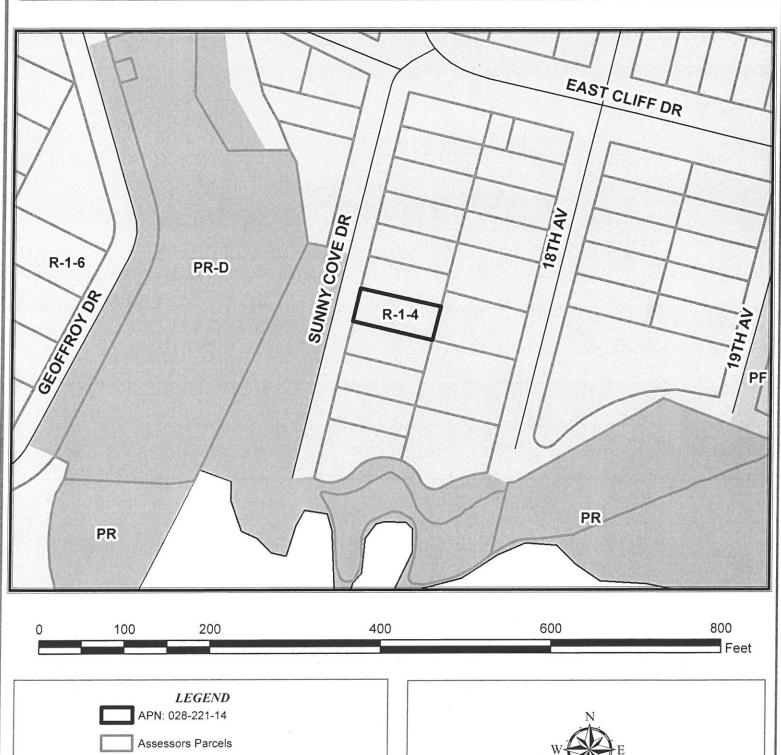


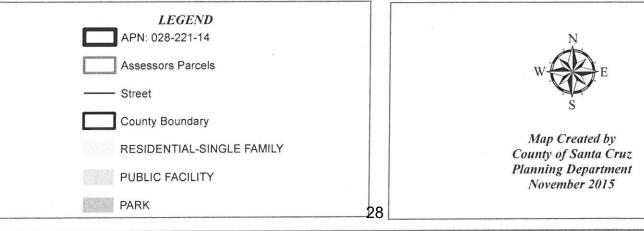


Map Created by County of Santa Cruz Planning Department November 2015



Zoning Map







General Plan Designation Map

