



Staff Report to the Zoning Administrator

Application Number: **171060**

Applicant: Courtney Hughes
Owner: Lee and Karyn Warner
APN: 027-091-10

Agenda Date: October 6, 2017
Agenda Item #: 1
Time: After 9:00 a.m.

Project Description: Proposal to construct a 66 square foot addition, reconstruct an existing sunroom to extend the living room, revise the roof, and remodel an existing 1,436 square foot single-family dwelling, in the R-1-3.5 zone district. Requires: 1) A Variance to reduce the required front yard at Lake Avenue from 15 feet to 6 feet 2 inches, to reduce the north side yard from 5 feet to 3 feet 9 inches and to increase the height of a nonconforming wall in the front yard at Alta Loma Avenue by about 9 inches; 2) A Minor Exception to increase the Floor Area Ratio from 50% to 51.5%; and 3) A Coastal Development Permit.

Location: Property located on the east side of Lake Avenue (330 Lake Avenue) and west side of Alta Loma Lane at about 140 feet north of the intersection with Carmel Street

Supervisory District: 3rd District (District Supervisor: Ryan Coonerty)

Permits Required: Variance, Minor Exception, Coastal Development Permit

Technical Reviews: None

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 171060, based on the attached findings and conditions.

Exhibits

- | | |
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| 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: 2,914 square feet
Existing Land Use - Parcel: Single-Family Dwelling
Existing Land Use - Surrounding: Residential Neighborhood to the north, south and east/Santa Cruz Yacht Harbor to the west
Project Access: Alta Loma Lane
Planning Area: Live Oak / Yacht Harbor Special Community
Land Use Designation: R-UH (Urban High Residential)
Zone District: R-1-3.5 (Single-Family Residential)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Site slopes gently from northeast to southwest with a steeper drop-off along the western property boundary at lake Avenue
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource / visible from the yacht Harbor but not from the beach.
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz Water Department
Sewage Disposal: County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Flood Zone 5

History

The existing nonconforming home was constructed in 1941 on Lot 8 of "The Venice Addition to Santa Cruz", a subdivision that was recorded March 29, 1905. Although separate legal parcels, it appears that Lot 8 and the adjacent Lot 9 were originally held together under one ownership as APN 027-091-08. Except for a small addition to the front bedroom and repairs to the deck constructed under Building Permit #56149 issued in 1978, the dwelling on the subject parcel has remained largely unchanged since it was built. In 1990 Building Permit # 4224D was issued for earthquake damage repair and in 2010 Building Permit B-101902 was issued to re-roof the dwelling.

In 1977 Planned Development Permit 77-2135-PD was approved for the construction of a dwelling on the portion of APN 027-091-08 that corresponded with Lot 9 of “The Venice Addition to Santa Cruz”. This application included a Variance for a reduced setback of 9 feet at the lower floor and 10 feet at the upper floor from Lake Avenue and a Variance for a reduced setback of 5 feet from Alta Loma Lane for the new home. As a result of 77-2135-PD, APN 027-091-08 was split in accordance with the original subdivision to create APN 027-091-09 and the subject parcel, APN 027-091-10.

As a condition of approval of 77-2135-PD the original driveway access from Lake Avenue to the dwelling on Lot 8, which crossed Lot 9, was eliminated, a 4 foot 6 inch retaining wall was required to be constructed along Lake Avenue and the parking on Lot 8 was relocated from the garage beneath the dwelling to the front yard at Alta Loma Lane. All of these conditions were subsequently met. However, the conditions of approval of 77-2135-PD also required that the porch at the south elevation of the dwelling on Lot 8 be demolished to maintain a minimum 5 foot setback. This condition does not appear to have been met and there is currently a covered entry porch within the south side yard with a setback to the posts of less than 5 feet.

Project Setting

The project is located in the Yacht Harbor Special Community, an area characterized by small parcels developed with a wide variety of one and two story homes, including several older structures from the early part of the 20th Century. Where new homes or additions have been constructed or where older homes have been remodeled and upgraded, most of this development conforms to some degree to the special design criteria for the Yacht Harbor area set out in the Local Coastal Program. The majority of buildings therefore incorporate the characteristics of the older dwellings in the area, are small in scale, have clean lines, pitched roofs and are constructed primarily from wood or materials that resemble wood.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 2,914 square feet, located in the R-1-3.5 (Single-Family Residential) zone district, a designation which allows residential uses. The proposed small addition and remodel of the existing single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Residential) General Plan designation.

The existing dwelling on the parcel, which was constructed prior to zoning requirements, is nonconforming to the site and development standards for the zone district in that it extends into the north side yard setback and also into the front yard setbacks at both Lake Avenue and Alta Loma Lane. In addition a covered entrance porch is partially within the south side yard setback. As set out in County Code, section 13.10.262 – “Nonconforming Structures”, structural alterations may be made to an existing nonconforming structure and the existing nonconforming dimensions can be retained, where such modifications do not constitute reconstruction as defined by County Code, section 13.10.260(B)(6). As shown by the submitted Modifications Worksheet, prepared by the project architect, the proposed remodel of the dwelling will not result in greater than 65% modifications to the existing structure (16% of the existing major structural components).

The applicable site and development standards for parcels in the R-1-3.5 zone district from County Code section 13.10.323 – “Development Standards for Residential Districts”, are as set out in the following table:

	Required	Existing	Proposed	Permit Req'd
Front Yard – Alta Loma Lane	15 feet Minimum	9 feet 8 inches	9 feet 8 inches No change but height of nonconforming wall increased by around 9 inches	Yes Variance
Front Yard – Lake Avenue to dwelling	15 feet Minimum	6 feet. 2 inches	6 feet 2 inches Proposed addition is within the setback but will not be closer to the property line than the existing structure.	Yes Variance
Front Yard – Lake Avenue To posts at existing deck	9 feet Minimum	5 feet 9 inches	5 feet 9 inches (No change)	No
Front Yard - cantilevered deck	9 feet Minimum	2 feet 4 inches	2 feet 4 inches (No change)	No
North Side Yard	5 feet Minimum	3 feet 9 inches	3 feet 9 inches Proposed addition is within the setback but will not be closer to the property line than the existing structure.	Yes Variance
South Side Yard - wall of dwelling	5 feet Minimum	7 feet 8 inches	7 feet 8 inches (no change)	No
South Side Yard - posts at existing covered porch	5 feet Minimum	2 feet 5 inches	N/A (covered porch removed)	No
South Side Yard - open, unenclosed stairs/landing or eaves per 13.10.323(E)(1)	2 feet Minimum	2 feet 5 inches	2 feet 5 inches (no change)	No
South Side Yard - Posts at landing	5 feet Minimum	5 feet 2 inches	5 feet 2 inches (no change)	No
Height	28 feet Maximum	21 feet 11 ³ / ₄ inches	21 feet 11 ³ / ₄ inches No change, proposed addition/ revised roof at east elevation doesn't increase overall height.	No
Lot Coverage	40% Maximum	54%	54% (no change) Proposed addition is over an existing deck	No
Floor Area Ratio (FAR)	50% maximum	49.27%	51.54% 66 square foot addition	Yes Minor Exception

The proposed construction of a 66 square foot addition at the west elevation, will be located entirely within the required 15 foot front yard setback at Lake Avenue but will not encroach closer to the property line/edge of the Lake Avenue right-of-way than the existing structure. The project has been designed to extend the living area over a portion of an existing deck and fills in a triangular-shaped area between an existing sunroom at the west elevation and the southwest corner of the dwelling. This requires the approval of a Variance to reduce the setback from 15 feet to 6 feet 2 inches. In addition, the existing sunroom will be reconstructed. Although the new building will maintain the existing setback to Lake Avenue it will encroach approximately 8 inches further into the nonconforming north side yard setback than the existing sunroom so that the wall of the reconstructed area will be in-line with the existing nonconforming north wall of the dwelling. This requires the approval of a Variance to reduce the setback from 5 feet to 3 feet 9 inches. One further Variance is required to increase the height of the roof by around 9 inches within the front yard at Alta Loma Lane to allow for a consistent roofline at the south elevation. A complete list of Variance findings is included with this report.

The existing covered entry porch at the southern elevation that was required to be demolished as a condition of approval of 77-2135-PD will be removed as part of this application so that the dwelling will meet the required 5 foot minimum south side yard setback. The porch will be replaced by a small roof overhang at the entrance to the dwelling that will not encroach more than 3 feet into the required 5 foot side yard setback as allowed under County Code section 13.10.323(E)(1). The existing landing/walkway from the street that provides access to the dwelling will be retained and repaired as necessary. This structure conforms to site standards in that it also does not encroach more than 3 feet into the setback.

The proposed project will not increase lot coverage in that the proposed addition will be constructed over an existing deck, and also will not increase in the overall height of the structure. However the 66 square foot addition will result in an increased Floor Area Ratio (FAR) from 49.27% to 51.54%. As specified in County Code, section 13.10.235, Minor Exceptions may be approved on parcels that are located within a residential zone district to permit small deviations from the zoning district site standards, including up to a 7% increase in the allowed FAR on parcels of less than 4,000 square feet. The proposed project will increase the allowed FAR by 1.54%, from 50% to 51.54%, and therefore requires the approval of a Minor Exception. A complete list of Minor Exception findings is included with this report.

The proposed project will not result in an intensification of use of the existing dwelling in that no new bedrooms are proposed to be added and the existing parking located in the front yard adjacent to Alta Loma Lane as approved by 77-2135-PD will be retained. Therefore the proposed project does not require the provision of additional off-street parking.

Local Coastal Program Consistency

The proposed remodeled single-family dwelling is in conformance with the County's certified Local Coastal Program in that the structure will continue to be a small scale home that will retain many of the characteristics of the original older dwelling. As required by the special design criteria for the Yacht Harbor the remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood or materials that resemble wood. The dwelling will continue to be integrated with the character of the surrounding neighborhood and the design submitted for the proposed addition and remodel is consistent with the existing range of styles.

The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed Single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood, or materials that resemble wood, in conformance with the design criteria for the Yacht Harbor special community. The remodeled home will therefore be consistent with the character of the surrounding neighborhood. The visual impact of the proposed 66 square foot addition will be minimal and will have no significant impact on surrounding land uses, and the natural landscape. Further, the proposed remodeled dwelling will not be visually intrusive in views from the parking areas for the Santa Cruz Yacht Harbor that lie directly across Lake Avenue, or in views from the harbor waterway.

Environmental Review

As proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA). The proposed 66 square foot addition and remodel of the existing dwelling is consistent with CEQA Guidelines, Section 1 – Existing Facilities (15301), in that the project proposes the remodel of an existing single-family dwelling where the additional floor area will not exceed either 50% of the existing floor area or 2,500 square feet. In addition, none of the conditions described in Section 15300.2 apply to this project.

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 **171060**, 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: 171060

Assessor Parcel Number: 027-091-10

Project Location: 330 Lake Avenue, Santa Cruz

Project Description: Proposal to construct a 70 square foot addition at an existing 1430 square foot single-family dwelling in the R-1-3.5 zone district

Person or Agency Proposing Project: Courtney Hughes

Contact Phone Number: (858) 945 2298

- 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. ☒ **Categorical Exemption**

Specify type: Class 1 - Existing Facilities (Section 15301)

F. Reasons why the project is exempt:

Construction of an addition that is less than 50percent of the floor area of the existing dwelling and less than 2,500 square feet, at an existing single-family dwelling in a residential zone district.

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

Lezanne Jeffs, 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-1-3.5 (Single-Family Residential), a designation that allows residential uses. The proposed 66 square foot addition and remodel of the existing single-family dwelling is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UH (Urban High 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 in that the structure will continue to be a small scale home that will retain many of the characteristics of the original older dwelling on the site. As required by the special design criteria for the Yacht Harbor the remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood or materials that resemble wood. The dwelling will therefore continue to be integrated with the character of the surrounding neighborhood and the design submitted for the proposed addition and remodel is consistent with the existing range of architectural styles. The site is surrounded on three sides by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top. Although the proposed remodeled home will be visible from the parking areas for the Santa Cruz Yacht Harbor that lie directly across Lake Avenue, and from the harbor waterway it will not have a significantly different visual impact than the existing home.

- 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 not located between the shoreline and the first public road. Consequently, the remodeled single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

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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-1-3.5 (Single-Family Residential) 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 in the area, and the design submitted is consistent with the existing range of styles. Further, the proposed remodeled dwelling will continue to be a small scale home that will retain many of the characteristics of the original older dwelling and, as required by the special design criteria for the Yacht Harbor, the remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood or materials that resemble wood.

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.

The proposed remodel of the existing residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the overall height of the existing structure will not be increased. Furthermore, the proposed addition would be located in an area between the existing sunroom at the west elevation fronting onto Lake Avenue and the existing southwest corner of the dwelling.

The proposed project will not result in an intensification of use of the existing dwelling in that no new bedrooms are proposed to be added. Therefore the project will not result in inefficient or wasteful use of energy and will not affect streets or intersections in the area.

- 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 66 square foot addition and remodel of the existing nonconforming structure, 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-1-3.5 (Single-Family Residential) zone district. The primary use of the property will continue to be one single-family dwelling that, with the approval of Variances and a Minor Exception, will meet 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-UH (Urban High Residential) land use designation in the County General Plan.

The proposed remodel and addition of the existing nonconforming single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The proposed addition is located at the western elevation of the existing home within a triangular-shaped area currently defined by an existing sunroom and the existing southwest corner of the dwelling so that it will not shade any adjacent homes, in an area adjacent to Lake Avenue and across

the street from the Santa Cruz Yacht Harbor. The overall height of the dwelling will not be increased as a result of the proposed project. Although an approximately 9 inch increase is proposed for a small portion of the dwelling, where it is in the front yard setback adjacent to Alta Loma Lane, this will not adversely shade adjacent homes. Furthermore, the existing nonconforming entrance porch located within the south side yard will be removed as required by Development Permit 77-2135-PD.

The proposed remodeled 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). The proposed 66 square foot addition and revision of the existing roof will, with the approval of Variances and a Minor Exception, 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. Furthermore, the proposed additions are consistent with the existing nonconforming dimensions of the original older home and the remodeled dwelling will not be significantly larger than the existing nonconforming structure.

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 66 square foot addition and remodel of the existing single-family dwelling is to be constructed on an existing developed lot. The proposed project will not result in an intensification of use of the existing dwelling in that the proposed 66 square foot addition will not significantly increase the size of the home and no new bedrooms are proposed to be added. Therefore the project will not overload utilities or result in any impact on the 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 proposed remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood, or materials that resemble wood, in conformance with the design criteria for the Yacht Harbor special community. The proposed 66 square foot addition will not significantly change the character of the existing dwelling and the project will therefore be consistent with the land use intensity and density of the neighborhood. The remodeled home will not be visually intrusive in views from the parking areas for the Santa Cruz Yacht Harbor that lie directly across Lake Avenue, or in views from the harbor waterway.

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- 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 66 square foot addition and remodel of the existing single-family dwelling will result in a small scale home that will retain many of the characteristics of the original older dwelling on the site. As required by the special design criteria for the Yacht Harbor the remodeled dwelling will have clean lines, a pitched roof and will be constructed primarily from wood or materials that resemble wood. Therefore the proposed project will result in a structure that 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.

Variance Findings

1. **That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

The project is located in an area that is zoned R-1-3.5 (Single Family Residential), a designation that allows for residential uses. A single-family dwelling is a principal permitted use within a residential zone district and the zoning is consistent with the site's (R-UH) Urban High Residential General Plan designation.

The project proposes the construction of a 66 square foot addition within the front yard setback adjacent to Lake Avenue, reconstruction of an existing sunroom that will encroach an additional 8 inches into the north side yard setback to line up with the existing walls of the dwelling, revisions to the existing roof that will increase the height of the nonconforming wall within the front yard setback at Alta Loma Lane by around 9 inches and the remodel of an existing nonconforming single-family dwelling.

The special circumstances that apply to this lot are that the subject parcel has a site area of only 2,914 square feet, which is only 83% of the size of the minimum 3,500 square feet required in the zone district, and has a width of only 40 feet. The average parcel size on the same block is greater than 3,600 square feet. Furthermore, the existing dwelling on the parcel, which was constructed in 1941 before the implementation of zoning standards, is nonconforming to setbacks on all sides. The proposed project will result in a dwelling that, because of the demolition of the existing covered porch, will conform to current setbacks on the south side. On the north, east and west sides, the residence will have minor additions that are not be located closer to property lines than the existing dwelling.

The proposed project is located in an area of older homes and within a neighborhood where almost all of the homes are nonconforming with respect to setbacks, having been constructed prior to permit requirements. Further, other dwellings in the vicinity of the project site have required the approval of Variances to setback requirements. The proposed project is therefore in character with other developments in the vicinity that are under identical zoning classification.

Therefore this finding can be made.

2. **That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.**

This finding can be made, in that the intent and purpose of the R-1-3.5 residential zone district is to provide for residential uses. The approval of a Variance will allow for the construction of 66 square foot addition, reconstruction of a portion of the existing structure and minor changes to the existing roof at an existing single-family dwelling, located in a residential zone district. The proposed addition/reconstruction will not deprive adjacent properties or the neighborhood of

light, air, or open space in that the addition/reconstruction will be constructed at the west facing façade of the dwelling adjacent to Lake Avenue and the road will therefore serve to provide a buffer. Further, across Lake Avenue is a parking lot and other areas associated with the Santa Cruz Yacht Harbor and there are no dwellings or other structures. The 9 inch increase in height within the front yard setback at Alta Loma Lane will not shade adjacent structures in that the total height of this part of the structure meets all of the required side yard setbacks and will have a height of only 13 feet 6 inches. Alta Loma Lane will provide a buffer between this portion of the structure and neighboring residential parcels across the street.

The proposed addition/reconstruction and minor increase in height within the front yard setbacks to Alta Loma Lane and Lake Avenue will not be materially detrimental to public health, safety and welfare, or injurious to property or improvements in the vicinity in that the resulting dwelling will not obstruct sight lines for traffic travelling along either street.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

The granting of a Variance to construct a 66 square foot addition with a reduced front setback to Lake Avenue, reconstruct a portion of the existing structure to have a reduced north side yard setback that will line up with the existing nonconforming wall and to also raise the roof height within the required front setback at Alta Loma Lane, will not constitute a grant of special privilege to this parcel. This is because the project is located in an area where the majority of the existing older homes on other parcels in the vicinity of the project site are also nonconforming to the site and development standards and where some have benefitted from the granting of Variances for front and side yard building additions. Development Permit 77-2135-PD for the construction of the dwelling immediately south of the subject parcel included Variances to reduce the front yard at Lake Avenue to 5 feet and the front yard at Alta Loma Lane to 9 feet at the lower floor and 10 feet at the upper floor. As an example of other nonconforming structures in the vicinity, the adjacent parcel located immediately to the north of the subject parcel is developed with a dwelling that encroaches into the right-of-way for Lake Avenue and also has a detached garage that was constructed with a zero setback from the edge of Alta Loma Lane and a reduced south side yard setback.

Therefore this finding can be made.

Minor Exception Findings

- 1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

The project proposes the construction of a 66 square foot addition, reconstruction of a portion of the existing structure, minor revisions to the existing roof and the remodel of an existing nonconforming single-family dwelling. The special circumstances that apply to this lot are that the subject parcel has a site area of only 2,914 square feet, which is only 83% of the size of the minimum 3,500 square feet required in the zone district, and has a width of only 40 feet. The average parcel size on the same block is greater than 3,600 square feet. Furthermore, the existing dwelling on the parcel, which was constructed in 1941 before the implementation of zoning standards, is nonconforming to setbacks on all sides.

As set out in County Code section 13.10.235, Minor Exceptions may be approved on parcels that are located within a residential zone district to permit small deviations from the zoning district site standards, including up to a 7% increase in the allowed FAR on parcels of less than 4,000 square feet. The project proposes a 1.54% increase in the allowed FAR from 50% to 51.54% an appropriate increase given the small size of the parcel. The proposed addition will result in a dwelling of only 1,575 square feet that will be in character with other developments in the vicinity that are under identical zoning classification and therefore this finding can be made.

- 2. That the granting of the Minor Exception will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.**

The proposed additions and revisions to the existing nonconforming single-family dwelling will be in harmony with the general intent and purpose of zoning objectives. The proposed addition/reconstruction will not deprive adjacent properties or the neighborhood of light, air, or open space in that the proposed additional floor area will be constructed at the west facing façade of the dwelling adjacent to Lake Avenue. The road will therefore serve to provide a buffer, and across Lake Avenue there are no dwellings or other structures, only a parking lot and other areas associated with the Santa Cruz Yacht Harbor.

The proposed additional floor area will not be materially detrimental to public health, safety and welfare or injurious to property or improvements in the vicinity in that the resulting dwelling will not obstruct sight lines along either Alta Loma Lane or Lake Avenue.

Therefore this finding can be made.

3. That the granting of a Minor Exception shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made in that the granting of a Minor Exception to allow for a 1.54% increase in the allowed FAR will not constitute a grant of special privilege to this parcel and will not result in a residence that appears significantly larger. This is because many of the dwellings in the vicinity of the project site also exceed the currently allowed FAR. As examples of this, the dwelling on the adjacent parcel to the south exceeds the allowed FAR by more than 20% and the dwelling on APN 027-091-26, one parcel north of the subject parcel exceeds the allowed FAR by more than 12%. Both of these parcels are also larger than the subject parcel.

The proposed 1.54% increase in the allowed FAR is consistent with County Code section 13.10.235 concerning Minor Exceptions. Such increases in floor area ratio have been deemed to be appropriate exceptions on small lots of less than 4,000 square feet such as the subject parcel. Therefore a Minor Exception would be approved on any other lot in the vicinity with similar circumstances and the approval of this project is not a grant of special privilege.

4. That there will be no increase in stormwater leaving the property as a result of additional impermeable area created by a minor increase in lot coverage. The project as approved incorporates measures or conditions that direct runoff to the landscape, uses permeable paving material, reduces existing impermeable area, or incorporates other low impact drainage practices to control any increase in stormwater runoff.

This finding can be made in that the proposed project will not result in any increase in the existing lot coverage by structures or from other impervious surfaces on the parcel.

Conditions of Approval

Exhibit D: Project plans, four sheets, prepared by William Fisher Architecture, Inc., dated 5/17/2017 and one sheet prepared by Kevin Smith Land Surveying, dated November 2016.

- I. This permit authorizes the construction of additions and remodeling of an existing single-family dwelling as indicated on 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. Obtain an Encroachment Permit from the Department of Public Works for any off-site 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. The exterior finishes of the dwelling shall predominately include wood or some other siding material that has the appearance of wood (e.g. Hardie Board). The applicant shall supply three copies of a color and material sheet in 8 1/2" x 11" format for inclusion into the file for this application and with the Building Permit plans.
 - B. Maintain required off-street parking for one car in the front yard setback on Alta Loma Lane as approved by 77-2135-PD. The parking space 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.

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. 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, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and

2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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.

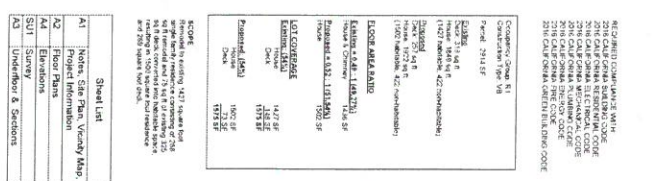
Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures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

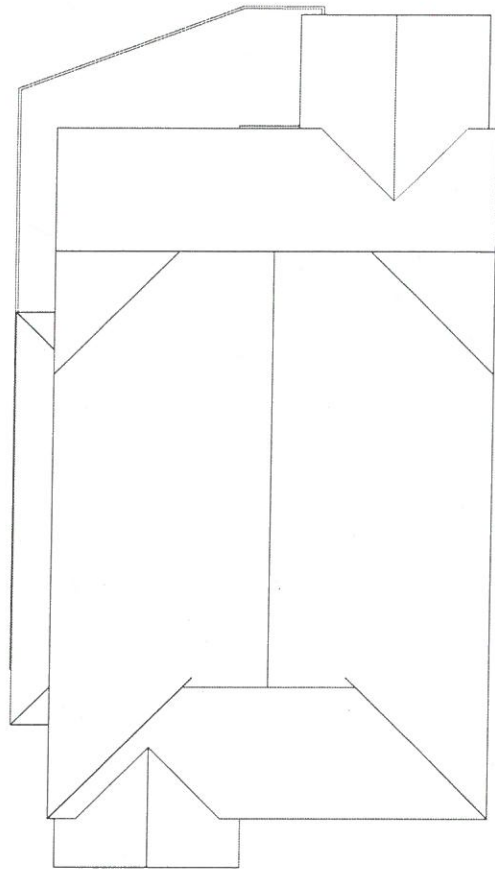
Approval Date: _____

Effective Date: _____

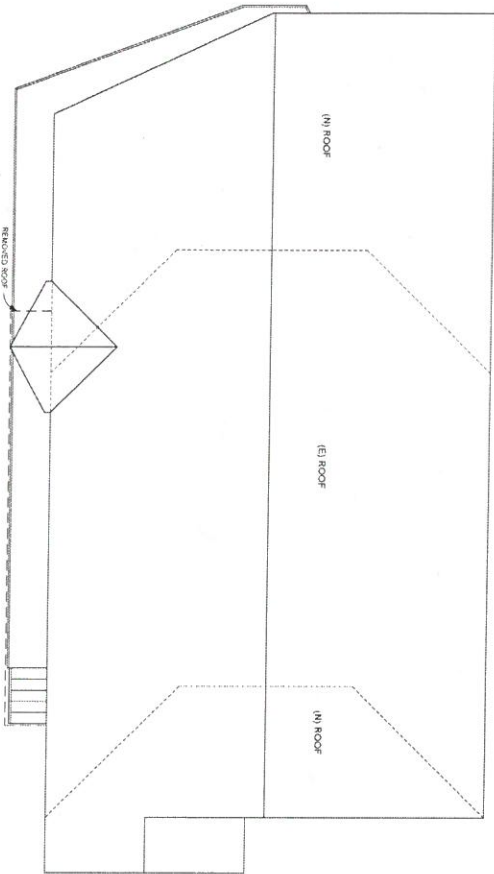
Expiration Date: _____

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.

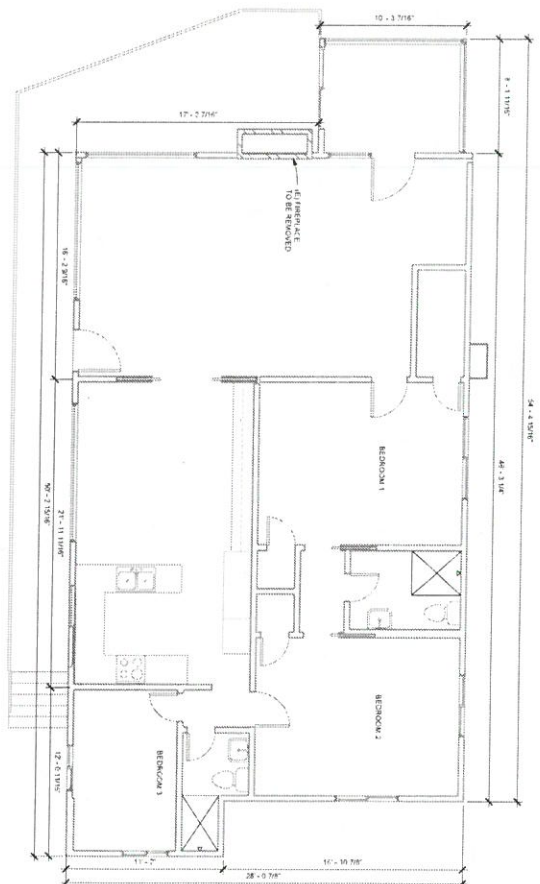




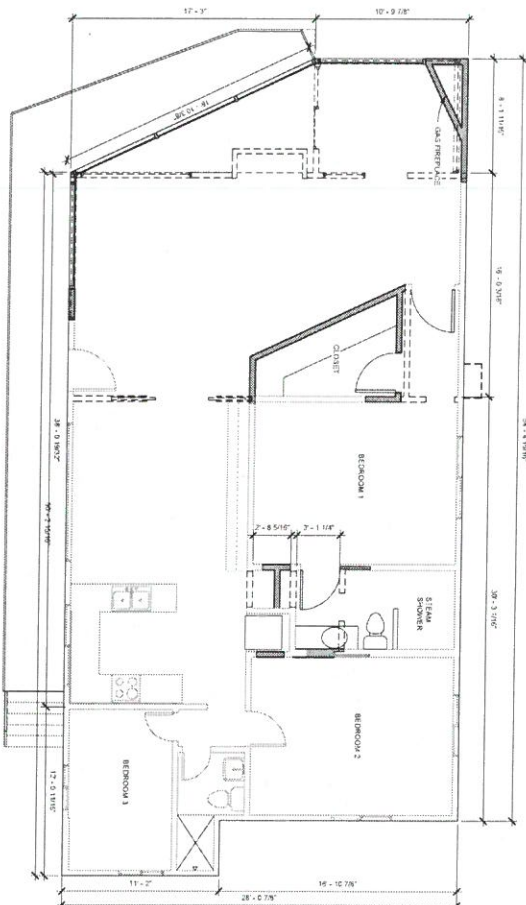
③ Existing Roof
1/4" = 1'-0"



④ Proposed Roof
1/4" = 1'-0"



① Existing Floor Plan
1/4" = 1'-0"



② Proposed Floor Plan
1/4" = 1'-0"

WALL LEGEND	
EXISTING	---
DEMOLISHED	- - - -
NEW	=====

Floor Plans

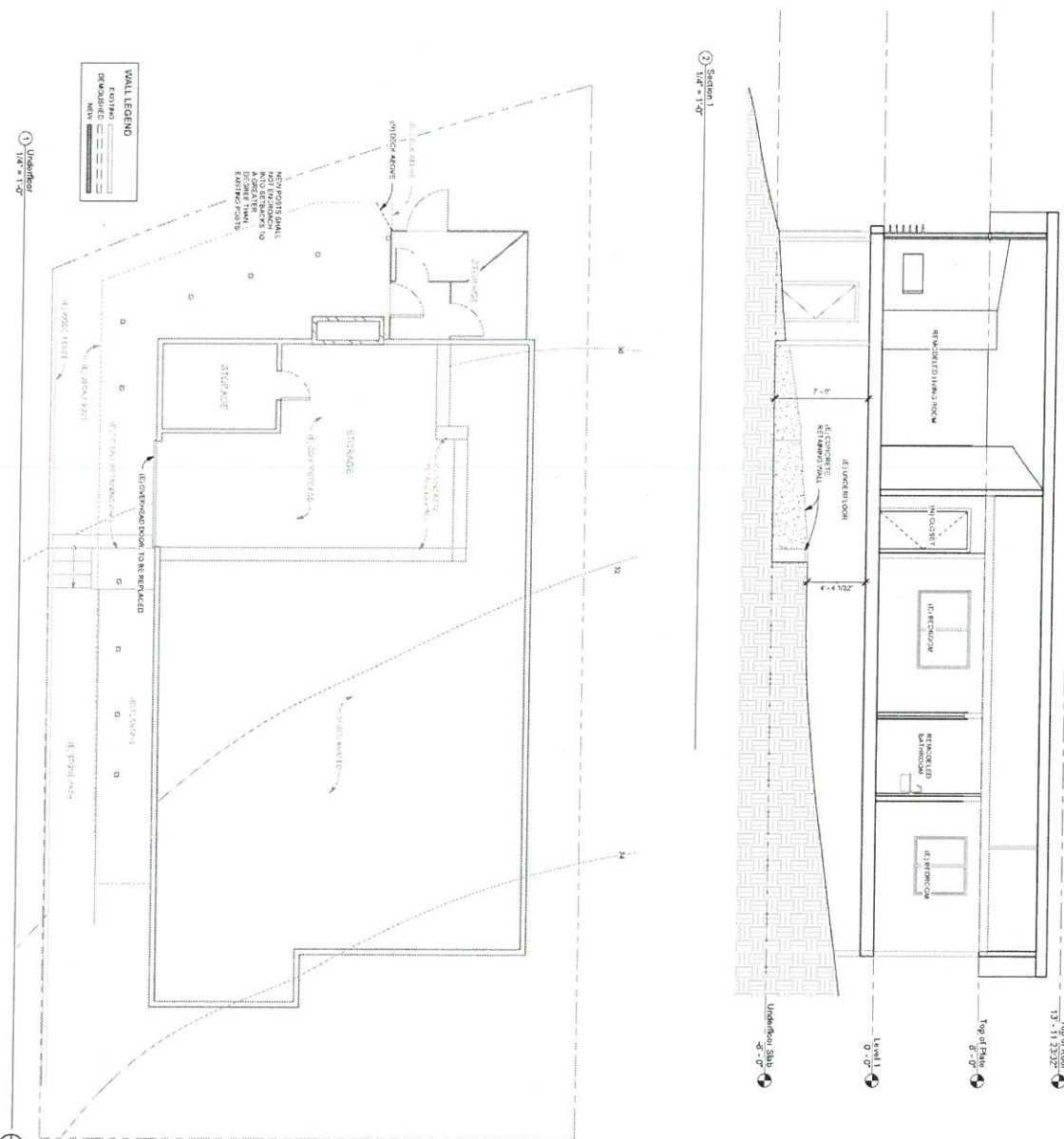
William Fisher Architecture, Inc.

331.246-0112, Santa Cruz, CA
www.williamfisherarchitecture.com



Residential Remodel for
Michelle and Lee Warner
330 Lake Ave., Santa Cruz, CA
APN: 027-091-10

5/17/2017
A2



5/17/2017
A3

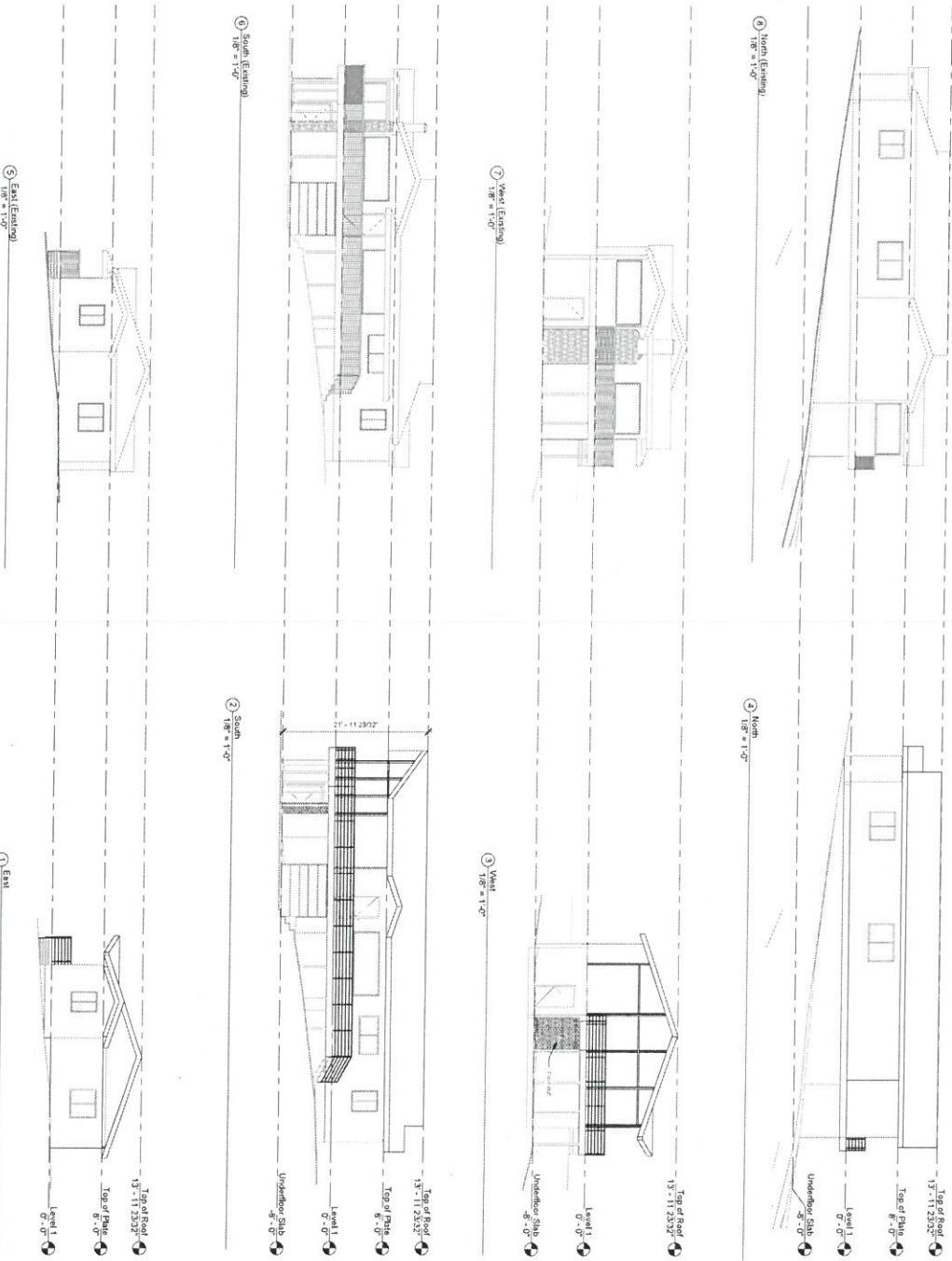
Residential Remodel for
Michelle and Lee Warner
330 Lake Ave., Santa Cruz, CA
APN: 027-091-10

Underfloor &
Sections

William Fisher Architecture, Inc.
C-11008
531.246-0112
williamfisherarchitect.com



EXHIBIT D

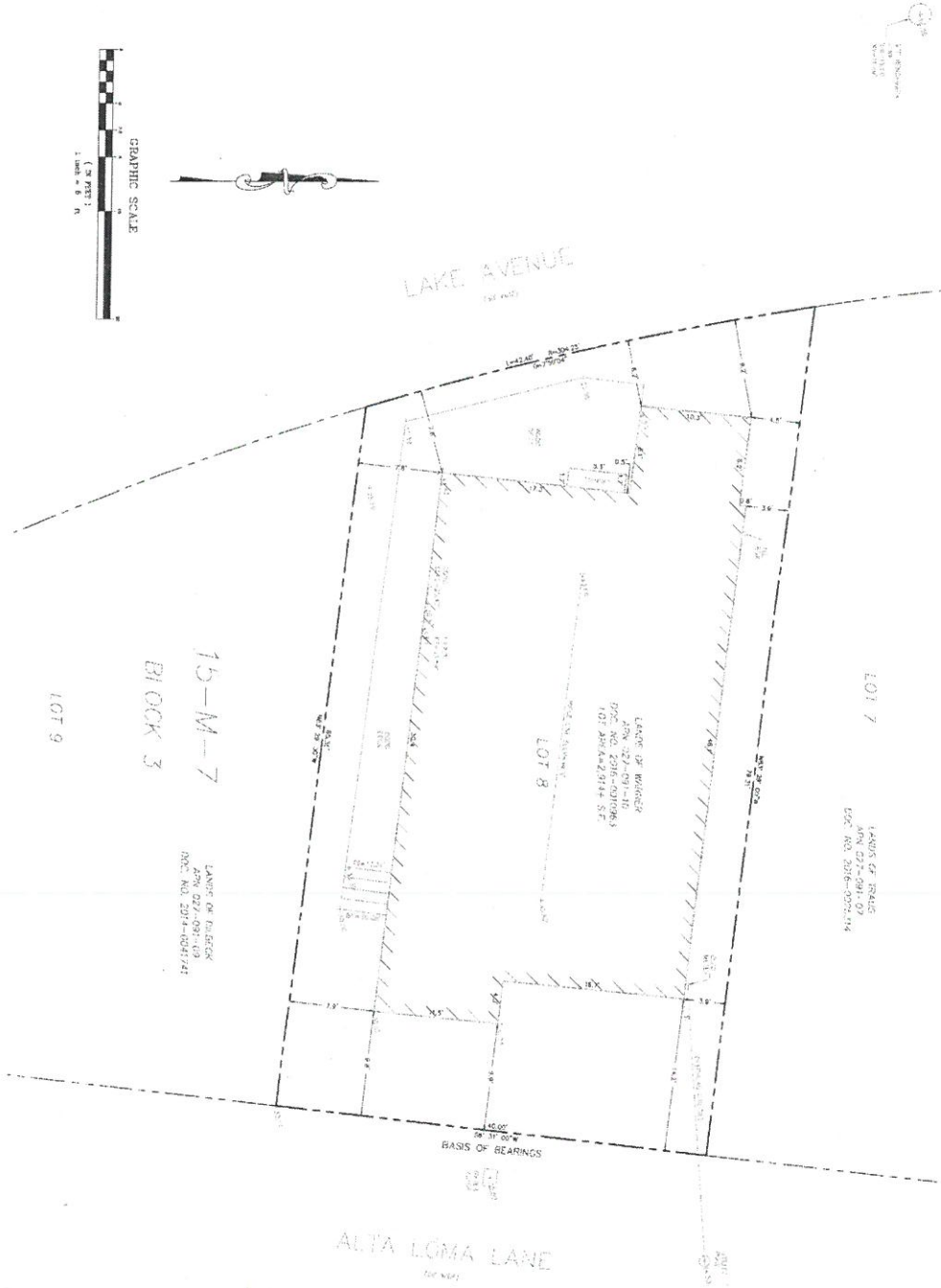


BASE OF BEARINGS
THE BASE OF BEARINGS FOR THIS SURVEY IS BETWEEN
MERRILL STREET ALONG THE WEST LINE OF ALTA LOMA
LANE AND THE WEST LINE OF THE TRACT ADJOINING
TO SANTA CRUZ, FILED FOR RECORD OF THE COUNTY RECORDER OF SANTA CRUZ COUNTY,
SANTA CRUZ, CALIFORNIA, MAP BOOK 15, PAGE 7,
REARING-NORTH 63°10'0" EAST

BEING MADE
THE END OF SANTA CRUZ COUNTY MAP BOOK 15, PAGE 7,
ELEVATION = 15.55

NOTE
MEASURED DISTANCES FROM THE SIDE OF THE EXISTING HOUSE
TO THE PROPERTY LINES DUE TO THE FACT OF WOOD SHING

LEGEND
--- PROPERTY LINE
--- ADJACENT PROPERTY LINE
--- BUILDING FOOTPRINT



NOV 1 2016 416031	HOUSE LOCATION SURVEY FOR: LEE AND KARYN WALKER 330 LAKE AVENUE, SANTA CRUZ, CA 95062 APN 027-091-10	KEVIN SMITH LAND SURVEYING 1420 MERRILL STREET SANTA CRUZ, CA 95062 (831) 588-0154	11-11-16 DATE KEVIN M. SMITH, P.L.S. 8237	
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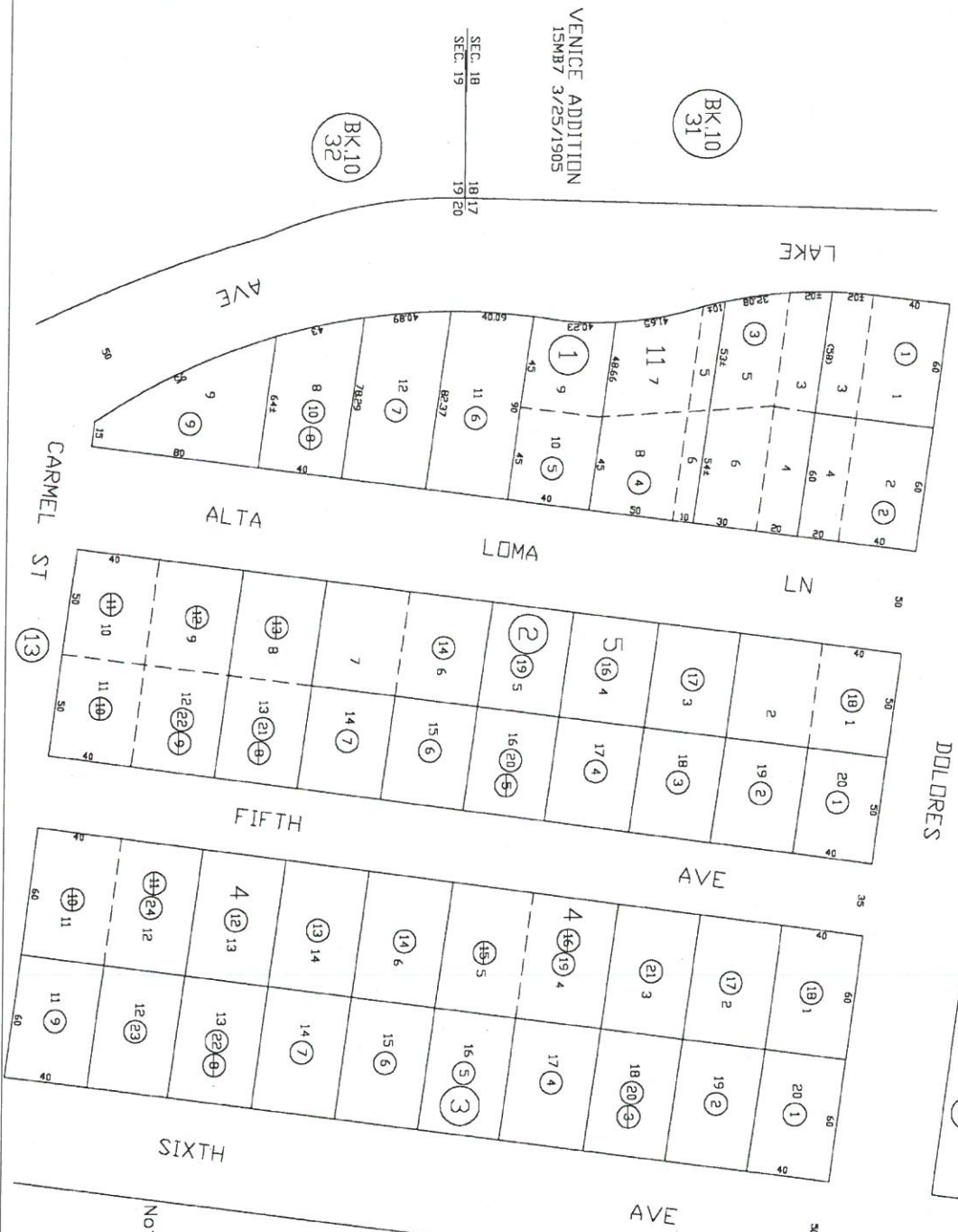
EXHIBIT D

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2001

PDR. OF SEC. 17 & 20, T.11S., R.1W., M.D.B. & M.

Tax Area Code 27-09
 82-040

Electronically repositioned 12/28 KSA
 Rev. Santa Cruz City Realignment 12/28/01 KSA



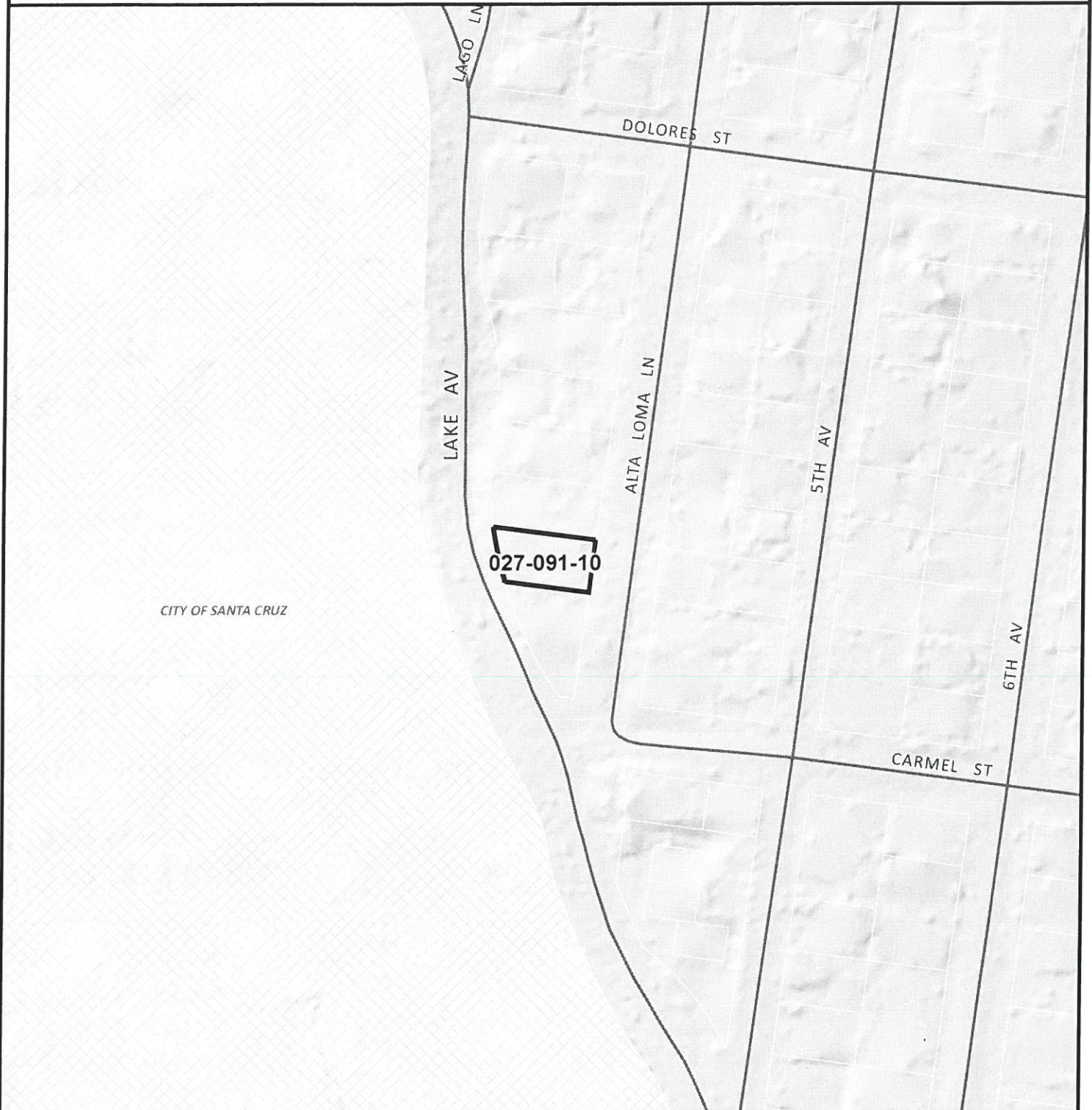
Note - Assessor's Parcel & Block
 Numbers are Shown in Circles.
 Assessor's Map No. 27-09
 County of Santa Cruz, Calif.
 Dec. 2001



Parcel Location Map

Santa Cruz County Planning Department

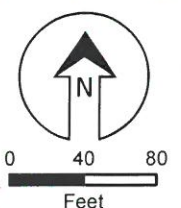
Parcel Number
027-091-10
Sep. 19, 2017



Symbol Key

- Street
- City Jurisdiction

EXHIBIT E





Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

027-091-10

Sep. 19, 2017



General Plan

■ R-UH - Residential - Urban High Density



0 40 80
Feet

EXHIBIT E



Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number
027-091-10
Sep. 19, 2017



Zoning

- (R-1) Single-Family Residential
- (RM) Residential Multi-Family

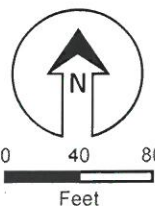


EXHIBIT E