



## Staff Report to the Zoning Administrator

Application Number: **181036**

**Applicant:** Pat Powers  
**Owner:** Mix  
**APN:** 028-431-22

**Agenda Date:** 8-17-18  
**Agenda Item #:** 3  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to construct a second-story, 360 square-foot addition to an existing single story dwelling. Requires a Coastal Development permit, a Minor Exception to increase the maximum lot coverage from 40% to about 49%, to increase the maximum floor-area-ratio from 50% to about 54%, and a determination that the project is exempt from CEQA.

**Location:** Project located on the east side of 12th Avenue (180 12th Avenue) approximately 400 feet south of Prospect Street.

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Coastal Development Permit and Minor Exception

### Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 181036, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	3,200 sq.ft.
Existing Land Use - Parcel:	Single Family Residential
Existing Land Use - Surrounding:	Single Family Residential
Project Access:	Public street
Planning Area:	Live Oak
Land Use Designation:	R-UH (Urban High Density Residential)
Zone District:	R-1-3.5 (Single Family Residential - 3,500 sq.ft min.)

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

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

### **Environmental Information**

Geologic Hazards: Not mapped/no physical evidence on site  
Fire Hazard: Not a mapped constraint  
Slopes: Flat  
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  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### **Services Information**

Urban/Rural Services Line:   X   Inside      Outside  
Water Supply: City of Santa Cruz  
Sewage Disposal: County Sanitation  
Fire District: Central  
Drainage District: District 5

### **History**

The parcel is currently developed with a 1,076 square foot, two-bedroom, two-bathroom dwelling unit with 47% lot coverage. The original dwelling, constructed in 1949, was remodeled with permits in 2006 to expand the kitchen and add a bathroom (all interior). A variance (D-73-11-16) was approved in 1978 to decrease the side-yard setback and increase the lot coverage for a bedroom and kitchen expansion, however the variance was never exercised. A project consultation for a proposed addition in 2006 advised that a proposed addition would require a variance and residential development permit to modify a “significantly nonconforming” structure. The term “significantly nonconforming” has since been deleted from the County Code; such nonconforming structures can now be modified without a residential development permit.

### **Project Setting**

The existing neighborhood is comprised of small, one-story bungalows on small lots. A number of these, including several dwellings across the street from the subject property and one adjacent to the north, have been expanded to two stories. The subject addition will take place in the rear of the dwelling, 31’ from the property line, and will minimally affect the neighboring property to the rear. The existing dwelling is nonconforming to setbacks and lot coverage, but the addition would conform to setbacks.

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

The subject property is a parcel of approximately 3,500 square feet, located in the R-1-3.5 (Single

Family Residential - 3,500 square foot minimum) zone district, a designation which allows residential uses. The proposed existing residence is a principal permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Density Residential) General Plan designation.

### **Local Coastal Program Consistency**

The proposed project is in conformance with the County's certified Local Coastal Program, in that the rear addition is sited and designed to have little impact on the surrounding neighborhood. The proposed addition would be clad in brown-shingle and stucco to match the existing dwelling, as is typical of many shingled dwellings in the area. 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.

### **Environmental Review**

The proposed addition qualifies for a Categorical Exemption, Class 1 – Small alterations of Existing Facilities (Section 15301), under the California Environmental Quality Act (CEQA).

### **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 **181036** 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](http://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: 181036

Assessor Parcel Number: 028-431-22

Project Location: 180 12TH AVE

**Project Description: construct a second story, 360 square foot addition to an existing 1-story dwelling**

**Person or Agency Proposing Project: Pat Powers**

**Contact Phone Number:**

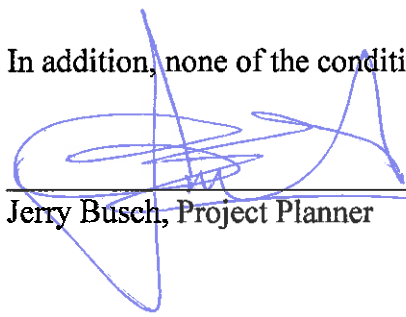
- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal 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:**

Construct a small addition to an existing residence in an area designated for residential uses.

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

  
\_\_\_\_\_  
Jerry Busch, Project Planner

Date: 8-18-18

**EXHIBIT A**

## **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 - 3,500 square foot minimum), a designation which allows residential uses, and the proposed addition will maintain the existing single-family use. The proposed existing residence is a principal permitted use within the zone district, and the zoning is consistent with the site's R-UH (Urban High 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 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 brown shingle siding will be natural in appearance and complementary to the site. The project includes the addition of a stone planter that will define the existing porch but not adversely impact street parking. The development site is not on a prominent ridge, beach, or bluff top.

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 existing residence 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.

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 - 3,500 square foot minimum) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings.

## **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 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 addition meets setbacks and should not adversely affect the light and air of adjoining parcels.

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 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 R-1-3.5 (Single Family Residential - 3,500 square foot minimum) zone district as the primary use of the property will be residential, consisting of one existing residence 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-UH (Urban High Density Residential) land use designation in the County General Plan.

The proposed existing residence 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).

The proposed project includes a second story addition, is designed to 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). Apart from a 2-percentage point increase in FAR and lot coverage, the project will comply with the site standards for the R-1-3.5 zone district (including setbacks, 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.

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

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

This finding can be made, in that the addition will not add any bedrooms or affect traffic or utilities.

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 in a mixed neighborhood containing a variety of architectural styles, and the proposed existing residence 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 addition is not a sensitive site and is not subject to Design Review.

## **Minor Exception Findings**

1. That because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, 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 Minor Exceptions ordinance provides for a 25% maximum increase in lot coverage for parcels of up to 6,000 square feet in area, an increase that raises a 40% maximum lot coverage to 50%. The 49% lot coverage proposed for the addition, along with the 54% floor-area-ratio, is justified by the small size of the subject property. The area of the subject parcel, substandard at 3,200 square feet, is 300 feet below the minimum parcel size for the R-1-3.5 zoning district. The lot coverage increase for the proposed project is solely due to a proposed staircase 83 square feet in area.

The Minor Exceptions code provides for a 15% increase in floor -area-ratio, which translates to 57% FAR. The proposed 54% FAR (1,738 square feet), represents a modest-sized dwelling unit. The construction of an ADU planned for the site would allow 52% lot coverage by right; the proposed FAR is thus only 74 square feet greater than what would be allowed by right.

2. That the granting of such 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 proposed second story addition, apart from the stairway, is only 286 square feet in area, is harmonious with the surrounding neighborhood and will not affect light, air, solar access or street views. Increased lot coverage is recommended for small parcels, to reduce size of second stories. The nearby Pleasure Point combining district allows 45% lot coverage by right (47% on parcels with ADUs), largely to avoid “monster homes” with oversized second stories that shade adjacent parcels and impact streetscapes.

3. That the granting of such variance 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 proposed lot coverage and FAR are warranted by the small size of the subject parcel and other parcels in the vicinity. The resulting 1,700 square foot house is in proportion to the site and not oversized, nor would it result in a special privilege relative to other homes in the vicinity.

4. That there is 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, use permeable paving material, reduce existing impermeable area, or incorporate other low impact drainage design practices to control any increase in stormwater runoff.

The proposed addition will decrease the stormwater leaving the property, as landscape filter strips and a percolation pit are proposed to reduce the rate of stormwater runoff, while the project



Application #: 181036

APN: 028-431-22

Owner: Mix

proposes no increase in impermeable surface.

## Conditions of Approval

Project plans, prepared by Pat Powers, dated June 2018.

- I. This permit authorizes the construction of an addition to an existing residence as indicated on the approved plans 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 all work performed in the County road right-of-way.
  - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. 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. The building plans must clearly depict the total height of the proposed structure. Maximum height is 28 feet.
  5. Details showing compliance with fire department requirements. If the proposed structure(s) are located within the State Responsibility Area (SRA) the requirements of the Wildland-Urban Interface code (WUI), California Building Code Chapter 7A, shall apply.
  6. Drainage structures approved on the attached plans shall be installed to ensure that there is no increase in stormwater leaving the property because of additional impermeable area created by a minor increase in lot coverage. The approved plans include low impact drainage design practices to control any increase in stormwater runoff.
- 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 of the Santa Cruz County Sanitation District. Proof of sanitary sewer service availability is required prior to application for a Building Permit.
- D. Meet all requirements of the Environmental Planning section of the Planning Department, including the following:
1. Submit a drainage plan that complies with the requirements set forth in 2016 CBC Section 1804.4 and the recommendations of the soils engineer, if applicable.
  2. Submit plans for the building application that include a stormwater pollution control plan compliant with the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website: [www.sccoplanning.com](http://www.sccoplanning.com) under the "Environmental" tab, "Erosion and Stormwater Pollution Control", then "Construction Site Stormwater BMP Manual". Part 2 of the manual lists Stormwater Pollution Control Plan requirements.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Three tandem is allowed. Parking must be clearly designated on the plot plan.
- G. As applicable, 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. If 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.

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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 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: \_\_\_\_\_

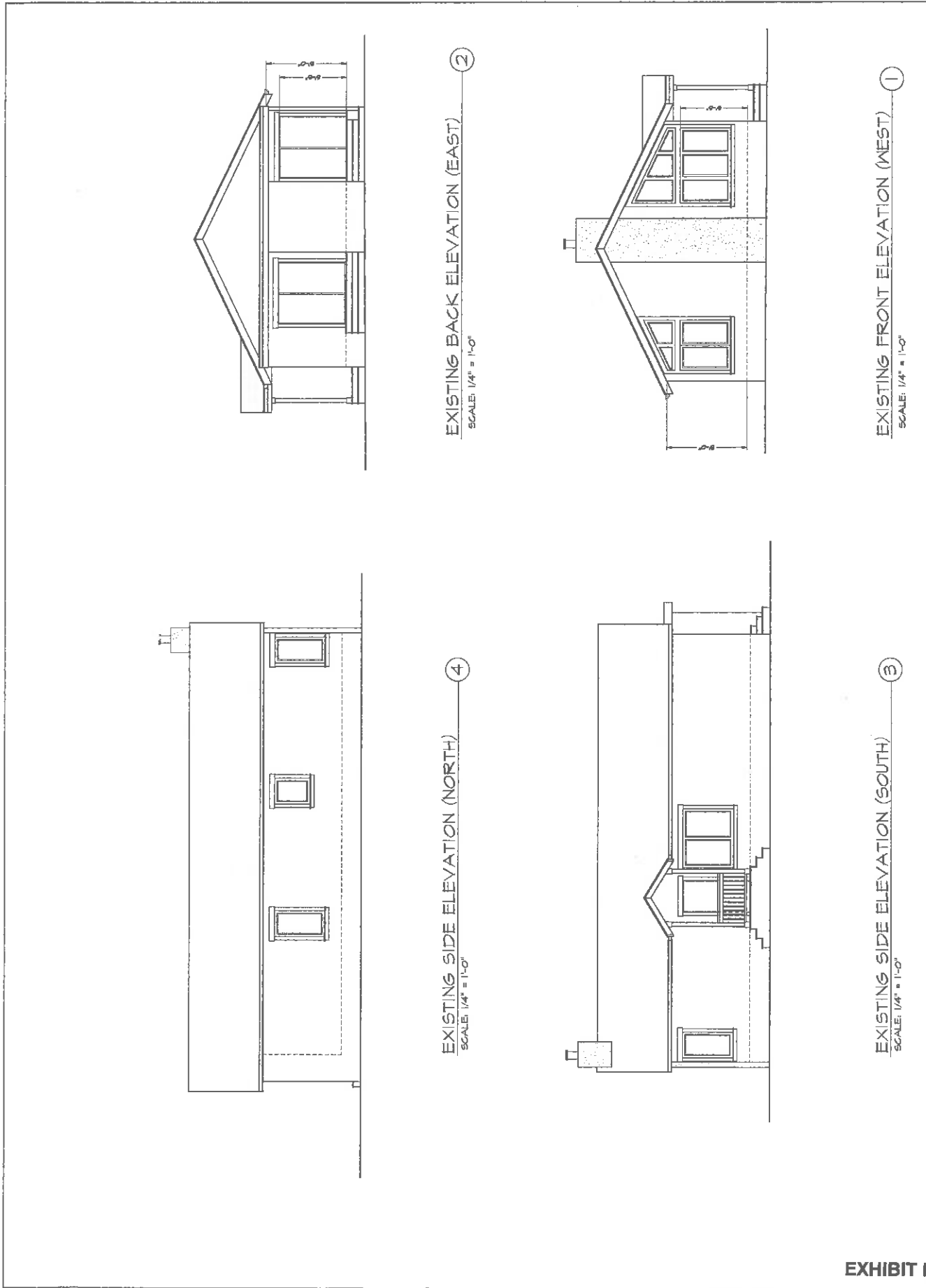
\_\_\_\_\_  
Jocelyn Drake  
Deputy Zoning Administrator

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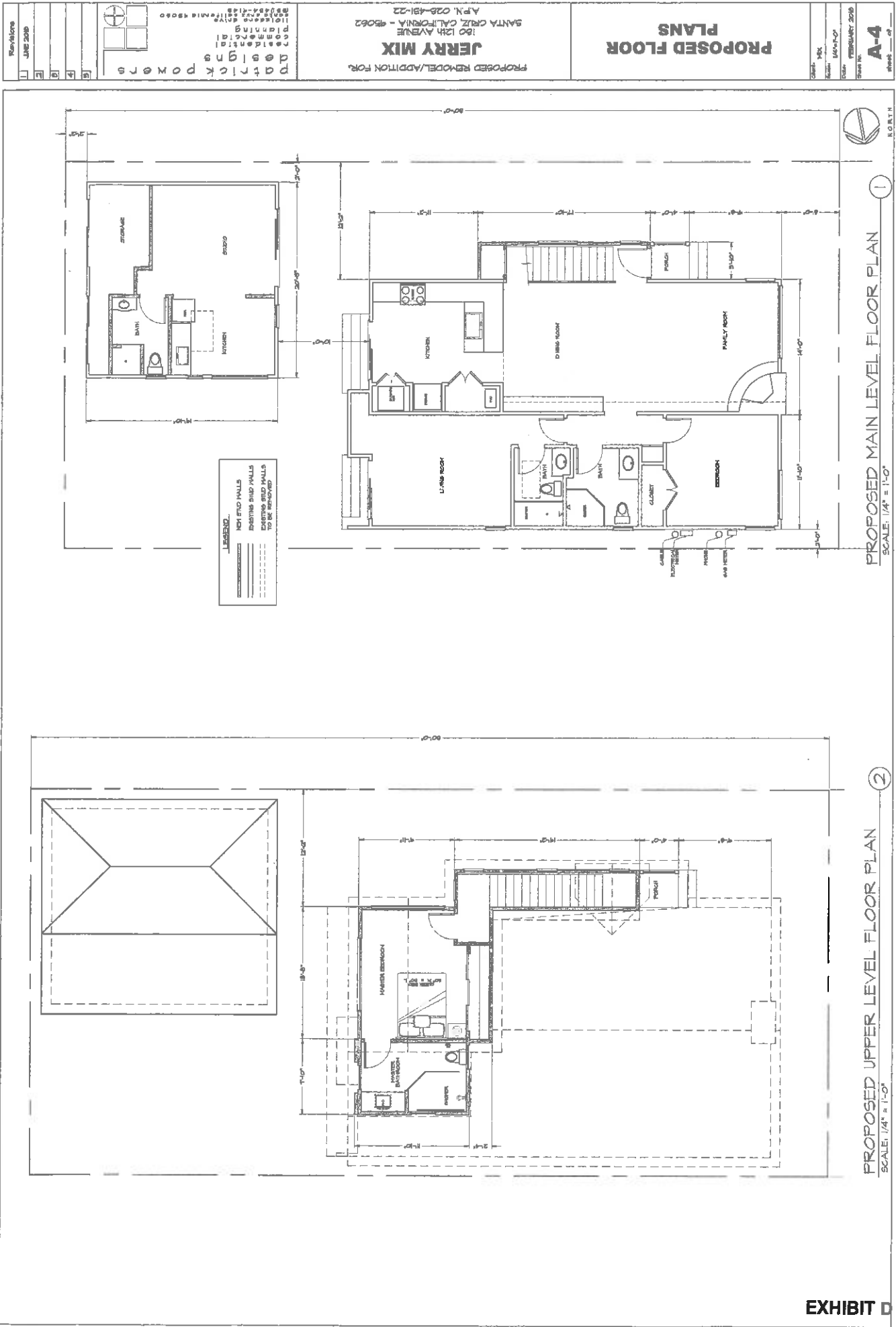
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.











**PROPOSED REMODEL/ADDITION FOR**  
**JERRY MIX**  
 160 12th AVENUE  
 SANTA CRUZ, CALIFORNIA - 95062  
 A.P.N. 028-491-22

Revised: JAN 2010

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**PROPOSED ELEVATIONS**

Sheet No. **A-5**  
 Date: FEBRUARY 2010  
 Scale: 1/4" = 1'-0"

**PROPOSED SIDE ELEVATION (NORTH)**  
 SCALE: 1/4" = 1'-0"

**PROPOSED FRONT ELEVATION (WEST)**  
 SCALE: 1/4" = 1'-0"

**PROPOSED SIDE ELEVATION (SOUTH)**  
 SCALE: 1/4" = 1'-0"

**PROPOSED REAR ELEVATION (EAST)**  
 SCALE: 1/4" = 1'-0"

**EXHIBIT D**

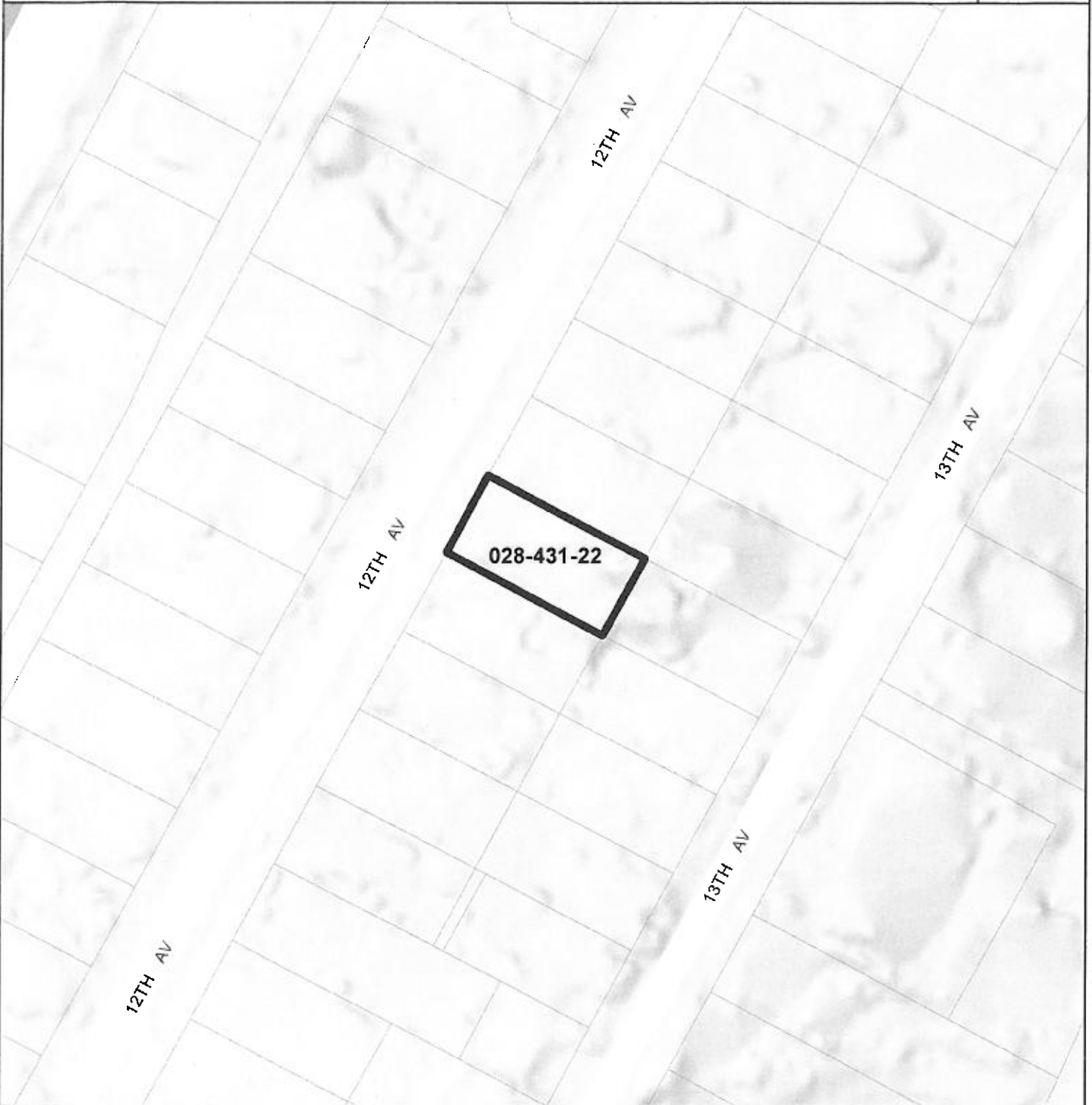


# SANTA CRUZ COUNTY PLANNING DEPARTMENT

## Parcel Location Map



Mapped  
Area



**Parcel: 02843122**

- Study Parcel
- Assessor Parcel Boundary
- Existing Park

Map printed: 18 Jul. 2018



0 20 40

EXHIBIT 1



SANTA CRUZ COUNTY PLANNING DEPARTMENT

**Parcel General Plan Map**



Mapped  
Area




O-R

R-UH

028-431-22  
(R-UH)

R-UL

O-R

-  O-R *Parks, Recreation & Open Space*
-  R-UH *Res. Urban High Density*
-  R-UL *Res. Urban Low Density*



0 20 40

EXHIBIT 6t



SANTA CRUZ COUNTY PLANNING DEPARTMENT

**Parcel Zoning Map**



Mapped  
Area

PR

R-1-3.5

028-431-22  
(R-1-3.5)

R-1-6

R-1-6-L

R-1-6

PR

- PR Parks, Recreation, & Open Space
- R-1 Single-Family Residential

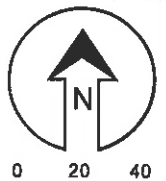


EXHIBIT 6