

Staff Report to the Zoning Administrator

Application Number: 181195

Applicant: Michael Helm

Owner: Kevin and Ximena Swarts

APN: 027-111-31

Agenda Date: October 5, 2018

Agenda Item #: 1 Time: After 9:00 a.m.

Project Description: Proposal to construct an approximately 267 square foot addition at the first story, and add a new second story measuring approximately 797 square feet. The subject property contains an existing one story single family dwelling. Requires a Coastal Development Permit and a CEOA Notice of Exemption.

Location: Project located on the west side of 9th Avenue between Dolores and Carmel Streets (321 9th Avenue).

Supervisorial District: 1st District (District Supervisor: John 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 181195, based on the attached findings and conditions.

Exhibits

A. Categorical Exemption (CEQA

determination)

B. Findings

C. ConditionsD. Project Plans

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

Parcel Information

Parcel Size:

3,600 square feet

Existing Land Use - Parcel:

Single-family residence

Existing Land Use - Surrounding:

Single-family residential neighborhood

Project Access:

9th Avenue

Planning Area:

Live Oak

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060

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Land Use Designation:

R-UH (Urban High Density Residential)

Zone District:

R-1-3.5 (Single-Family Residential - 3,500 square feet

minimum)

Coastal Zone: Appealable to Calif. Coastal Comm.

X Inside Yes __ Outside X No

Environmental Information

Geologic Hazards:

Not mapped/no physical evidence on site

Soils:

N/A

Fire Hazard:

Not a mapped constraint

Slopes:

N/A

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 Water Department Santa Cruz County Sanitation District

Sewage Disposal:

Central Fire Protection District

Fire District:
Drainage District:

Zone 5 Flood Control District

Project Setting

The subject parcel is located on the west side of 9th Avenue between Dolores and Carmel Streets in an existing single family residential neighborhood characterized by smaller one and two story houses. The neighborhood is part of the Harbor Area Special Community for which there are specific design criteria.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 3,600 square feet, located in the R-1-3.5 (Single-Family Residential - 3,500 square feet minimum) zone district, a designation which allows residential uses. A 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 Density Residential) General Plan designation.

Built in 1951, portions of the existing residence are considered legally nonconforming, and protrude into the front setback as well as the side setback on the north side of the lot. The proposed addition to the existing residence would not increase the nonconforming dimensions of the structure and complies with the site standards for the zone district, as outlined below:

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| | R-1-3.5 Site Standards | Existing | Proposed |
|-----------------------------|---------------------------|-------------|-----------|
| Front yard setback | 15' | About 7' | No Change |
| Rear yard setback | 15' | About 37.5' | About 29' |
| Side yard setbacks | 5' | 2' and 9.5' | 2' and 5' |
| Maximum height | 28' | 15' | 25.5' |
| Maximum % lot coverage | 40% | 27% | 39.5% |
| Maximum Floor Area Ratio | 50% | 20.3% | 50% |

Adequate parking (three parking spaces) would be provided on-site for the four-bedroom residence.

Local Coastal Program Consistency

The proposed addition to the existing 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 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.

Harbor Area Special Community

County Code 13.20.144 identifies the Harbor Area as a special community and specifies the following design criteria:

County Code 13.20.144(B): Residential Development. New development in the single-family parts of the Harbor area special community shall incorporate the characteristics of older dwellings in the area (e.g., the small scale, clean lines, pitched roofs, predominately wood construction, wood or wood-like (including cementitious) siding, or shingles that resemble wood).

The proposed project has been reviewed and will have clean lines, a pitched roof and wood construction which comply with the Harbor Area Special Community design criteria. The house will be finished with a wood-like cementitious siding (James Hardie Cedarmill) on the upper floor exterior walls and stucco siding on the lower floor exterior walls. The proposed siding selections will also be reviewed at the Building Permit stage.

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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 181195, 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: Jonathan DiSalvo

Santa Cruz County Planning Department

701 Ocean Street, 4th Floor Santa Cruz CA 95060

Phone Number: (831) 454-3157

E-mail: jonathan.disalvo@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.

| or original the reason(b) which have been specified in this document. |
|---|
| Application Number: 181195 Assessor Parcel Number: 027-111-31 Project Location: 321 9th Avenue |
| Project Description: Proposal to construct an approximately 267 square foot addition at the first story, and add a new second story measuring approximately 797 square feet to an existing one-story single-family dwelling. |
| Person or Agency Proposing Project: Michael Helm |
| Contact Phone Number: (831) 476-5386 |
| 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: Class 1 - Existing Facilities (Section 15301) |
| F. Reasons why the project is exempt: |
| Class 1 includes additions to existing structures in a developed area. |
| In addition, none of the conditions described in Section 15300.2 apply to this project. |
| Date: |
| Jonathan DiSalvo, Project Planner |

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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 feet minimum), a designation which allows residential uses. 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 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. A 20-foot utility easement exists at the rear of the subject lot; however, the project would not conflict with the existing easement.

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 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. In addition, the proposed design and finish materials will be reviewed at the Building Permit stage.

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 addition to the existing 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.

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 feet 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. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range of styles.

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Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

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

This finding can be made, in that the proposed location of the addition 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 feet minimum) zone district as the primary use of the property will be one single family dwelling that meets all current site standards for the zone district and the requirements of the Harbor Area Special Community.

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 addition to the 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 addition to the single family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district.

The proposed addition to the 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-1-3.5 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.

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

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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 addition to the existing single family dwelling is not expected to increase the level of traffic generated by a single-family dwelling. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit) and will not adversely impact existing roads or intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the 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. This project will meet the design criteria specified for the Harbor Area Special Community.

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Conditions of Approval

Exhibit D: Project plans, 9 sheets, prepared by Michael Helm, Architect, dated May 23, 2018.

- I. This permit authorizes the construction of an addition measuring approximately 1,065 square feet to 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 a Grading Permit from the Santa Cruz County Building Official, if required.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
 - E. 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. Structure must not exceed the Floor Area Ratio limitation of 50%; therefore, the covered porch in the rear of the building must be removed.
 - 2. Front yard fence heights must be shown.

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- 3. The chimney on the south side of the structure must be shown on the site and landscape plans. It may not project more than three feet into the side yard setback.
- 4. A copy of the text of these conditions of approval incorporated into the full-size sheets of the architectural plan set.
- 5. 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.
- 6. Grading, drainage, and erosion control plans.
- 7. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 28 feet.
- 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 of the Santa Cruz County Sanitation District.
- D. Meet all requirements of the Environmental Planning section of the Planning Department.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- G. Pay the current fees for Parks and Child Care mitigation for 2 bedrooms. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- H. Pay the current fees for Roadside and Transportation improvements for 2 bedrooms. Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.

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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. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails

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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.

| | Jocelyn Drake Deputy Zoning Administrator |
|------------------|---|
| Expiration Date: | |
| Effective Date: | |
| Approval Date: | |

Owner: Kevin and Ximena Swarts

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.

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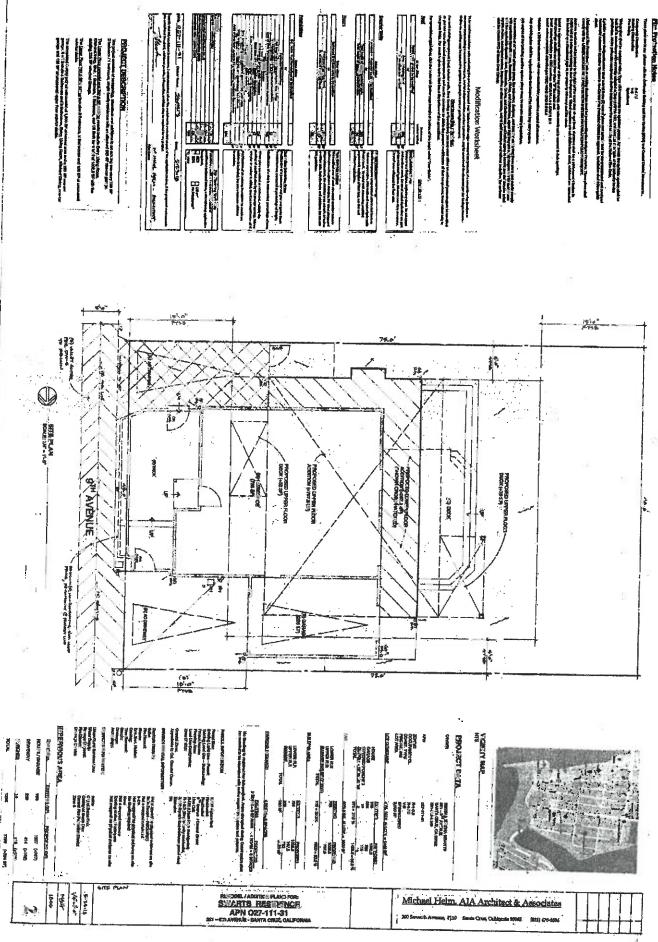
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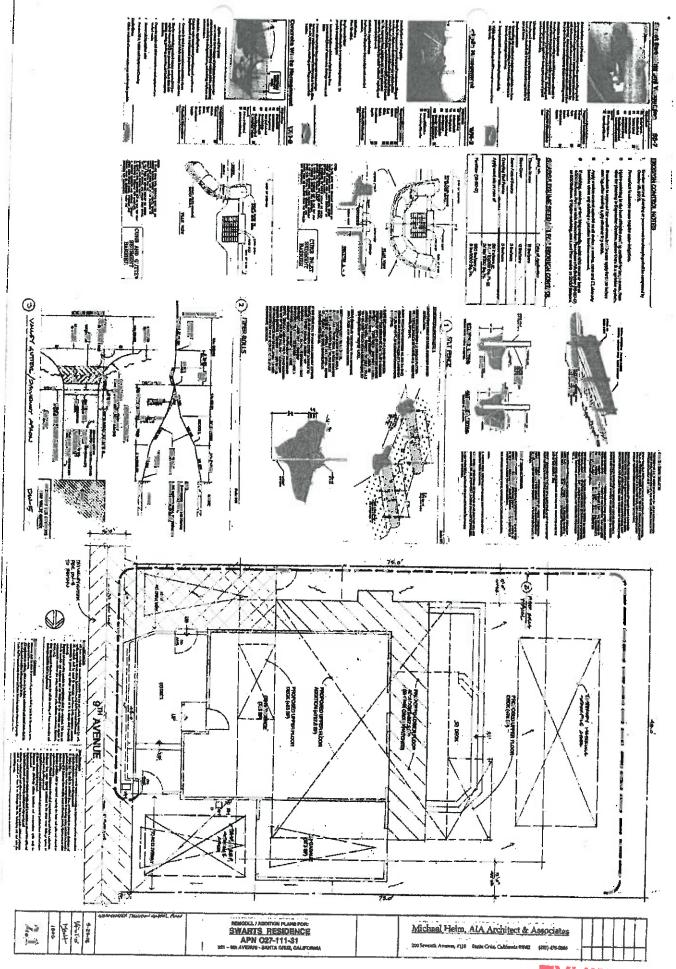
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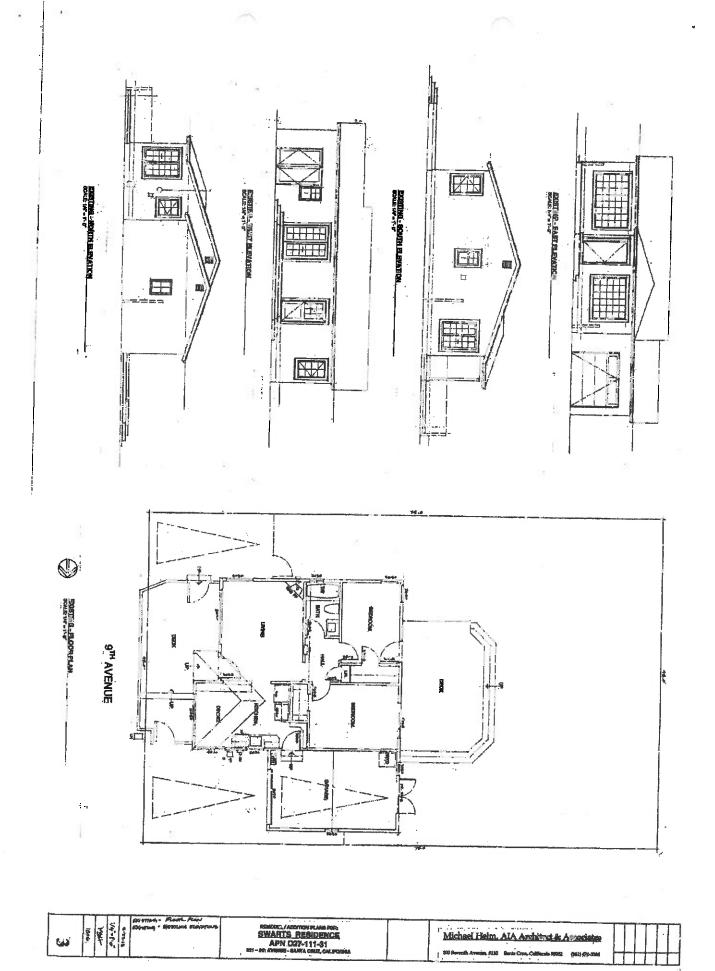
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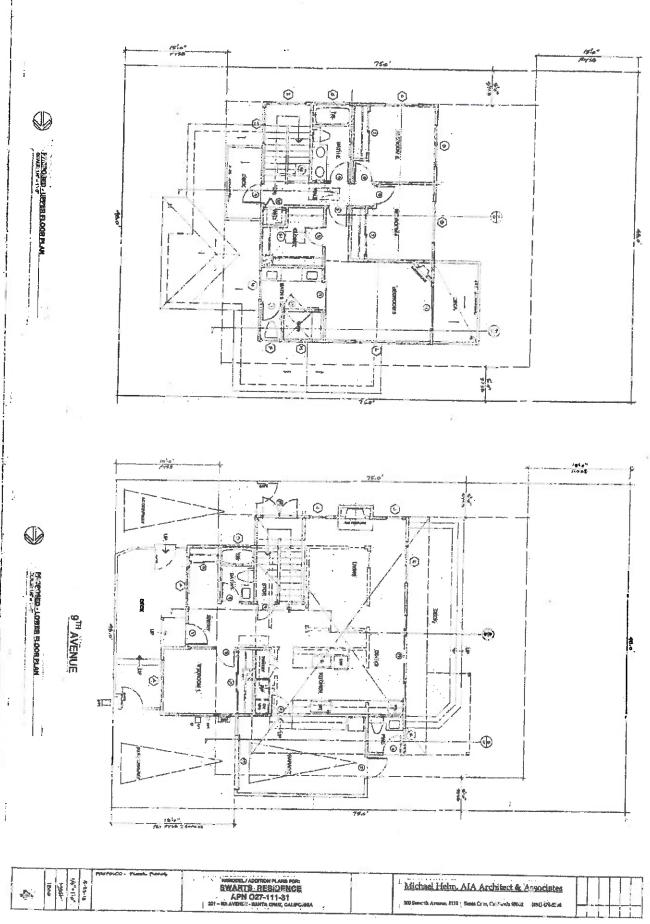
Michael Helm, AIA Architect & Acapciates

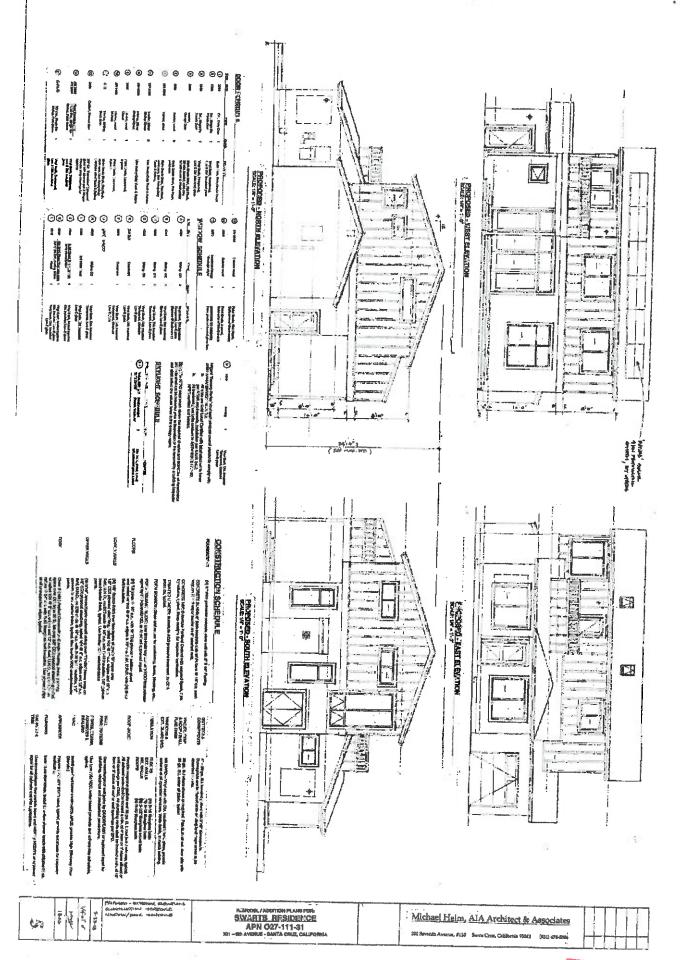
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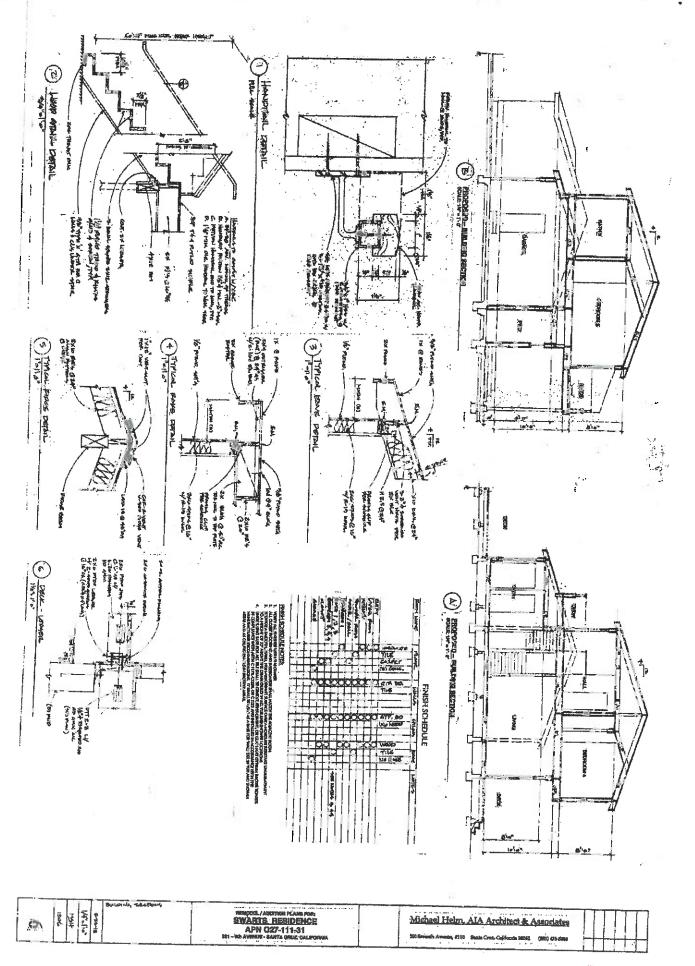


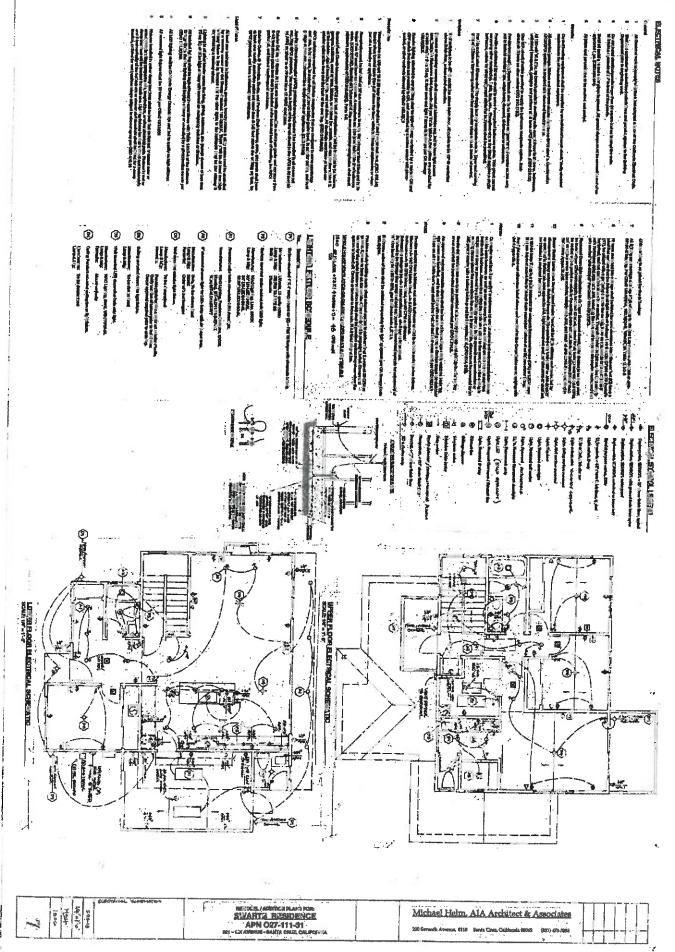


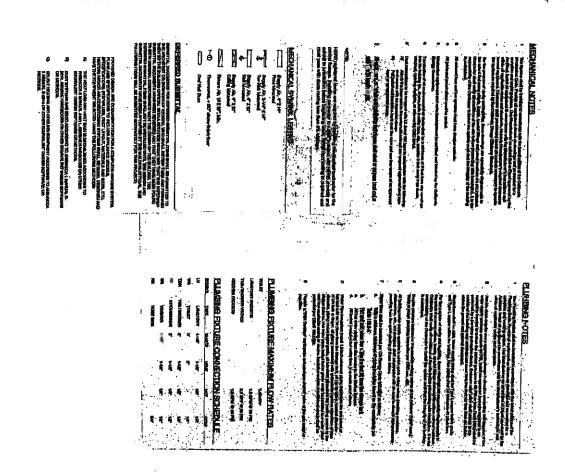


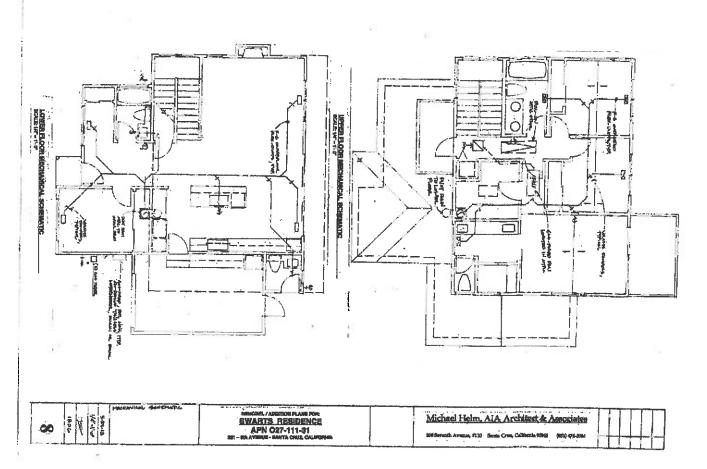


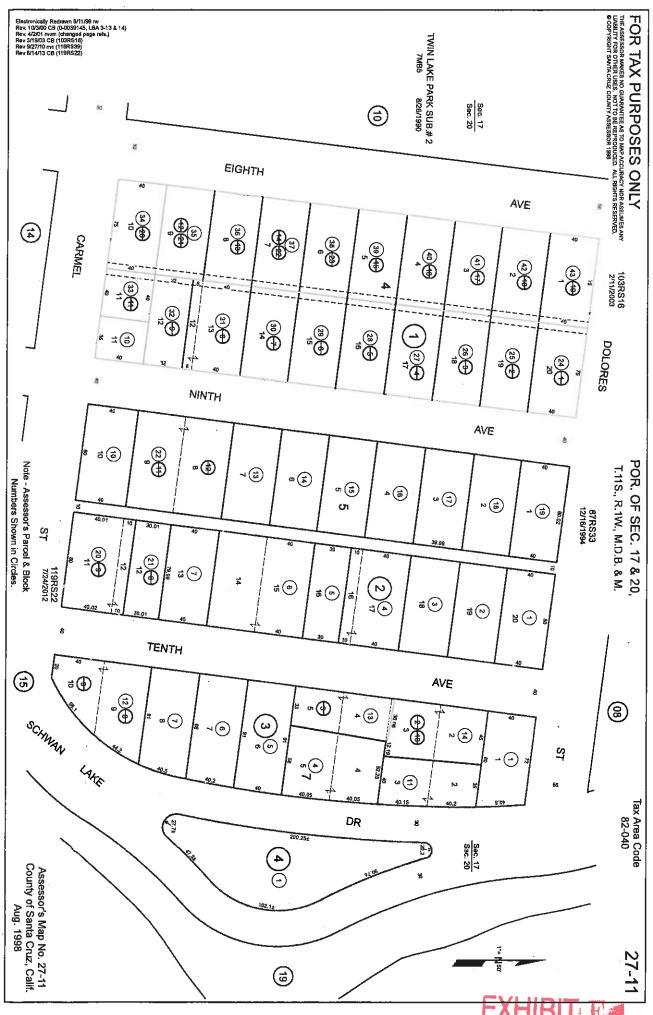










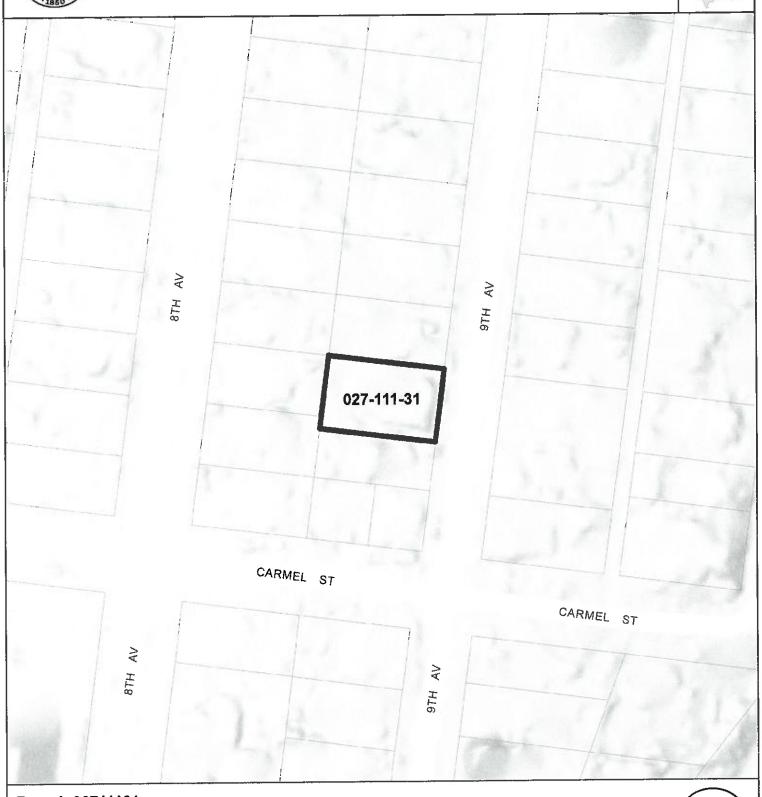




SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map





Parcel: 02711131

Study Parcel

Assessor Parcel Boundary

Map printed: 18 Sep. 2018







