

# Staff Report to the Zoning Administrator

Application Number: 191070

Applicant: Michael Helm Owner: Joetta & Daniel Maier

**APN:** 027-171-30

Site Address: 100 7th Avenue, Santa Cruz

Agenda Date: September 6, 2019

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

Project Description: Proposal to demolish an existing one-story single-family dwelling (approximately 1,100 square feet) and to construct a two-story dwelling (approximately 2,000 square feet) with an attached garage (approximately 225 square feet). Requires a Coastal Development Permit and Variances to increase the Floor Area Ratio from 50% to 65.3%, to increase lot coverage from 40% to 43%, to reduce the street side yard setback (at the alley) from 10 feet to about 5 feet, and to reduce the distance to a garage entrance from 20 feet to about 8 feet.

Location: Property located on the east side of 7th Avenue (100 7th Avenue) approximately 80 feet north of the intersection with East Cliff Drive.

Permits Required: Coastal Development Permit, Variance

Supervisorial District: 1st District (District Supervisor: John Leopold)

#### **Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 191070, based on the attached findings and conditions.

# **Project Description & Setting**

The subject property is located on the east side of 7th Avenue between East Cliff Drive and Bonnie Street in the Live Oak planning area. The property is accessed via an alley which connects 7th and 8th Avenues near the Santa Cruz harbor. The existing single story residence is proposed to be demolished and a two-story replacement residence is proposed to be constructed on the project site. The existing residence contains three bedrooms and one bathroom, and the replacement residence would contain five bedrooms and four bathrooms. The surrounding neighborhood is developed with a mix of single family residences on smaller parcels, commercial businesses, and beach access.

A Coastal Development Permit is required because the project is located within the coastal zone

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

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and is not located within a residential exclusion area. Variances are required because the proposed structure would exceed the maximum 50% floor area ratio (FAR) and 40% lot coverage allowed within the zone district.

### Zoning & General Plan Consistency

The subject property is a 3,060 square foot lot, located in the R-1-3.5 (Single family residential -3,500 square feet per parcel) zone district, a designation which allows residential uses. The proposed replacement single family 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.

The proposed structure is in conformance with the required site standards for the R-1-3.5 zone district, except where variances have been requested, as demonstrated in the chart below:

	R-1-3.5 Site Standards	Proposed
Front yard setback	15'	15'
Rear yard setback	15'	16'
Side yard setbacks	5' (interior) 10' at alley (street side)	5' (interior) and *5' at alley
Maximum height	28'	28'
Maximum % lot coverage	40%	*43%
Maximum Floor Area Ratio	50%	*65.3%
Maximum number of stories	2	2
Parking (5 Bedrooms)	4 spaces required	4 spaces (provided in garage and parking areas)
Minimum distance to garage entrance (from edge of R/W)	20'	*8'

<sup>\* (</sup>indicates variance requested to site standard)

All required off-street parking will be provided on the project site and the proposed parking layout does not utilize more than 50% of the required front yard setback (from 7th Avenue). Additionally, the required setback for accessory structures and garages from alleyways allows the garage entrance to be a minimum of 3 feet from the adjacent alley (instead of the typical 20 foot minimum distance to a garage entrance).

The alley located adjacent to the south side of the subject property is considered as a vehicular right of way, but it is common for improvements (such as fences and garages) to be located closer to alleys than in typical yard areas. A deck (under 18 inches in height) with a railing (42 inches in height) is proposed immediately adjacent to the alley. The combined deck and hand railing will be less than 6 feet in height and can be allowed as a fence would be along the edge of an alleyway.

#### Variances

This proposal includes a request for variances to increase the maximum floor area ratio (FAR) from 50% to 65.3%, to increase the maximum lot coverage from 40% to 43%, to reduce the APN: 027-171-30

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minimum street side yard setback (to the alley) from 10 feet to 5 feet, and to reduce the minimum distance to a garage or carport entrance from 20 feet to 8 feet.

The subject property is smaller than the R-1-3.5 zone district minimum (at 3,060 square feet) and the maximum 50% floor area ratio would result in a structure that is approximately 1,530 square feet in floor area (where a total of 1,999 square feet of floor area is proposed). Additionally, the applicant requests to increase the maximum 40% lot coverage to 43%, a reduction in the street side yard setback from the alley, and a reduction to the minimum distance from the alley to the garage entrance in order to allow construction of the replacement residence on the property.

The small size of the parcel, the narrow width (36 feet), and the orientation of the parcel relative to 7th Avenue and the adjacent alley are the special circumstances affecting the property that warrant granting of the requested variances.

### Design Review & Harbor Special Community

The proposed single family residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as articulated wall planes and window placement, a pitched roof, and horizontal siding materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

The subject property is located within the Harbor Area special community. Parcels within the Harbor Area special community shall incorporate the characteristics of older dwellings in the area and shall be of smaller scale with clean lines, pitched roofs, and wood-type siding materials. The proposed replacement residence will be consistent with the architectural and design styles of residences within the surrounding neighborhood and will include clean lines, a pitched roof, and wood-type (fiber cement) siding materials.

## **Local Coastal Program Consistency**

The proposed single family residence 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 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.

#### 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.

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#### Staff Recommendation

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

 APPROVAL of Application Number 191070, 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: <a href="https://www.sccoplanning.com">www.sccoplanning.com</a>

Report Prepared By: Randall Adams

Santa Cruz County Planning Department

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#### **Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Assessor's, Location, Zoning and General Plan Maps
- F. Parcel information
- G. Comments & Correspondence

# 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: 191070

	cel Number: 027-171-30 ion: 100 7th Avenue
Project Desc	ription: Proposal to demolish a single story single family dwelling and construct a two story single family dwelling.
Person or Ag	gency Proposing Project: Michael Helm
Contact Pho	ne Number: 831-476-5386
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C	<u>Ministerial Project</u> involving only the use of fixed standards or objective measurements without personal judgment.
D	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
EX_	Categorical Exemption
Specify type:	Class 2 - Replacement or Reconstruction (Section 15302) Class 3 - New Construction or Conversion of Small Structures (Section 15303)
F. Reaso	ns why the project is exempt:
Construction of	of a replacement single family dwelling in an area designated for residential uses.
In addition, no	one of the conditions described in Section 15300.2 apply to this project.
Randall Adam	Date: is, Project Planner

Owner: Joetta & Daniel Maier

# 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.

This finding can be made, in that the increase in the maximum allowed Floor Area Ratio from 50% to approximately 65.3%, the increase Lot Coverage from 40% to 43%, the reduction in the street side yard setback (at the alley) from 10 feet to about 5 feet, and the reduction in the distance to a garage entrance from 20 feet to about 8 feet are warranted in order to allow the construction of a replacement residence on the subject property. The small size of the parcel, the narrow width (36 feet), and the orientation of the parcel relative to 7th Avenue and the adjacent alley are the special circumstances affecting the subject property.

The strict application of the zone district site standards would result in a smaller, narrow structure that would not be consistent with surrounding residential buildings in the harbor area.

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 variances will allow construction of a replacement residence on the subject property that is consistent with the pattern of residential development in the surrounding area. Furthermore, the structure will be adequately separated from improvements on adjacent properties.

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.

This finding can be made, in that other properties in the neighborhood are developed with residential uses and structures similar to the structure that is proposed. Therefore, it would not be a grant of special privilege for the variances to be authorized. The residential use will be consistent with the existing pattern of development in the neighborhood.

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# **Coastal Development Permit Findings**

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned R-1-3.5 (Single family residential - 3,500 square feet per parcel), a designation which allows residential uses. The proposed replacement single family 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 SCCC 13.20.130 and 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.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and public beach access is available at Twin Lakes State Beach to the south across East Cliff Drive.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the structure is sited and designed to be visually compatible 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 per parcel) zone district, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain a mix of single and multi-family dwellings as well as commercial uses. Size and architectural styles vary in the area, and the design submitted is consistent with the pattern of residential development within the surrounding neighborhood.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single family 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.

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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 ensure 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 single family 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 feet per parcel) zone district as the primary use of the property will be one single family residence.

Variances have been requested to site standards to allow the construction of the replacement residence and the required variance findings have been made for this project.

The subject property is located within the Harbor Area special community. New residential development within the Harbor area special community (as specified in 13.20.144(B)) 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 replacement residence will be consistent with the architectural and design styles of residences within the surrounding neighborhood and will include clean lines, a pitched roof, and wood-type (fiber cement) siding materials.

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 subject property is located within the Harbor Area which is designated as a coastal special community in the General Plan/Local Coastal Program (as specified in Policy 8.8.2). Guidelines for the Harbor Area special community are specified in County Code section 13.20.144(B), as noted in Finding #2. The proposed replacement residence will be consistent with the architectural and design styles of residences within the surrounding neighborhood and will include clean lines, a pitched roof, and wood-type (fiber cement) siding materials.

4. That the proposed use will not overload utilities, and will not generate more than the

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acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed single family residence is to be constructed as a replacement residence on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to remain at one peak trip per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads or intersections in the surrounding area. All utilities are available to serve the project site.

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 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.

The proposed single family residence complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as articulated wall planes and window placement, a pitched roof, and horizontal siding materials to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

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# **Conditions of Approval**

Exhibit D: Project plans, prepared by Michael Helm Architect & Associates, dated 3/11/19.

- I. This permit authorizes the demolition of an existing residence and the construction of a replacement single family residence 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 Demolition Permit from the Santa Cruz County Building Official.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    - 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
  - D. Obtain an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with the Planning Department. Any changes from the approved Exhibit "D" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    - 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
    - 2. One elevation shall indicate materials and colors as they were approved by this Discretionary Application. If specific materials and colors have not been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material sheet in 8 1/2" x 11" format for Planning Department review and approval.

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- Grading, drainage, and erosion control plans.
- 4. 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.
- 5. 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. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- H. Pay the current fees for Parks and Child Care mitigation for 2 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for 2 bedroom(s). Currently, these fees are, respectively, \$1,000 and \$1,000 per bedroom.
- J. Pay the current Affordable Housing Impact Fee. The fees are based on unit size and the current fee for a dwelling up to 2,000 square feet is \$2 per square foot.
- K. Provide required off-street parking for 4 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.
- L. 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.

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III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

# IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
  - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

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- 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.

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.

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APPLICABLE CODES.

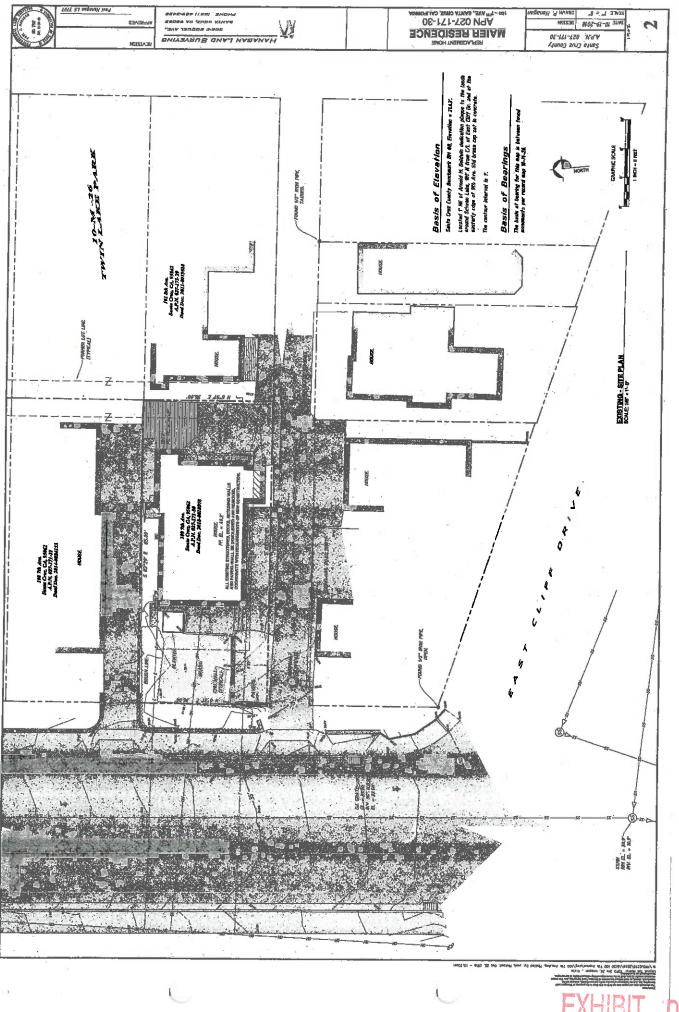
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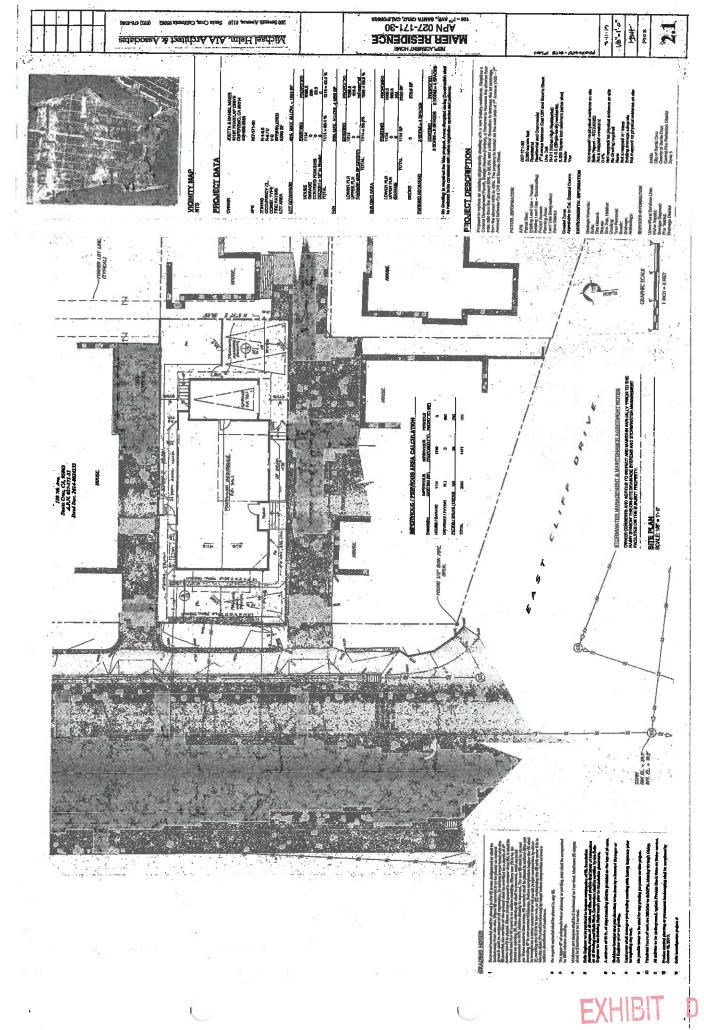
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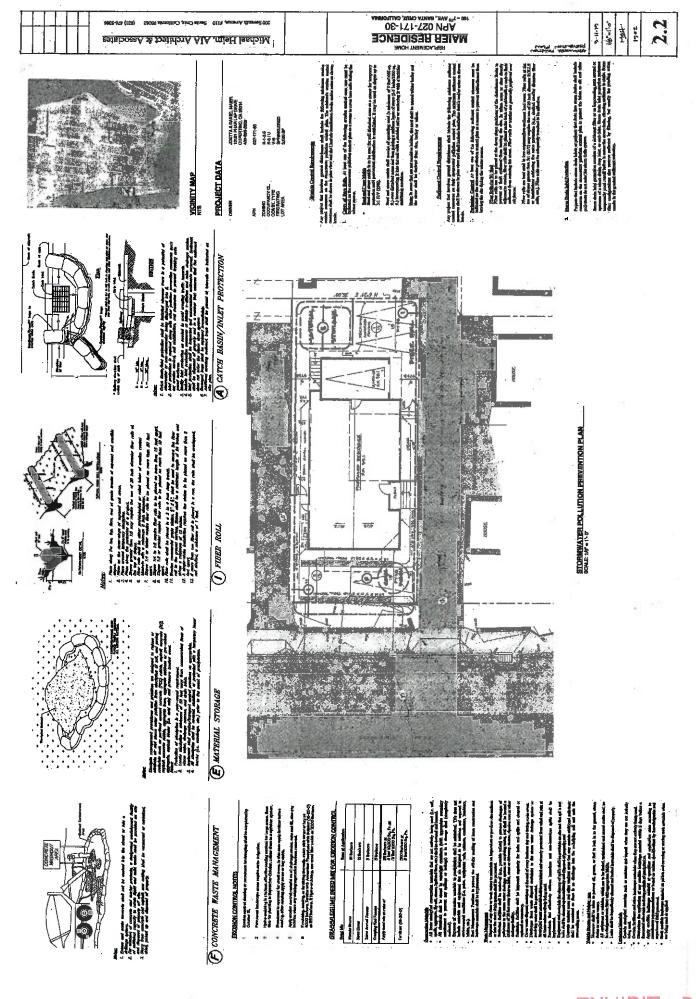
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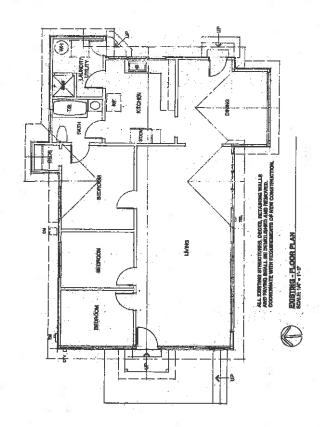
GENERAL NOTES

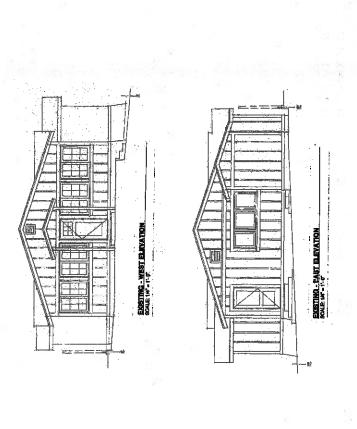
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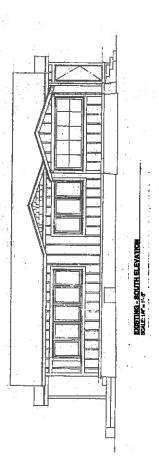


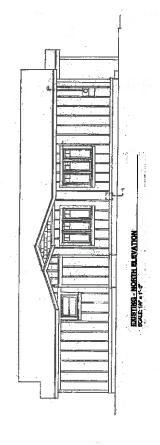


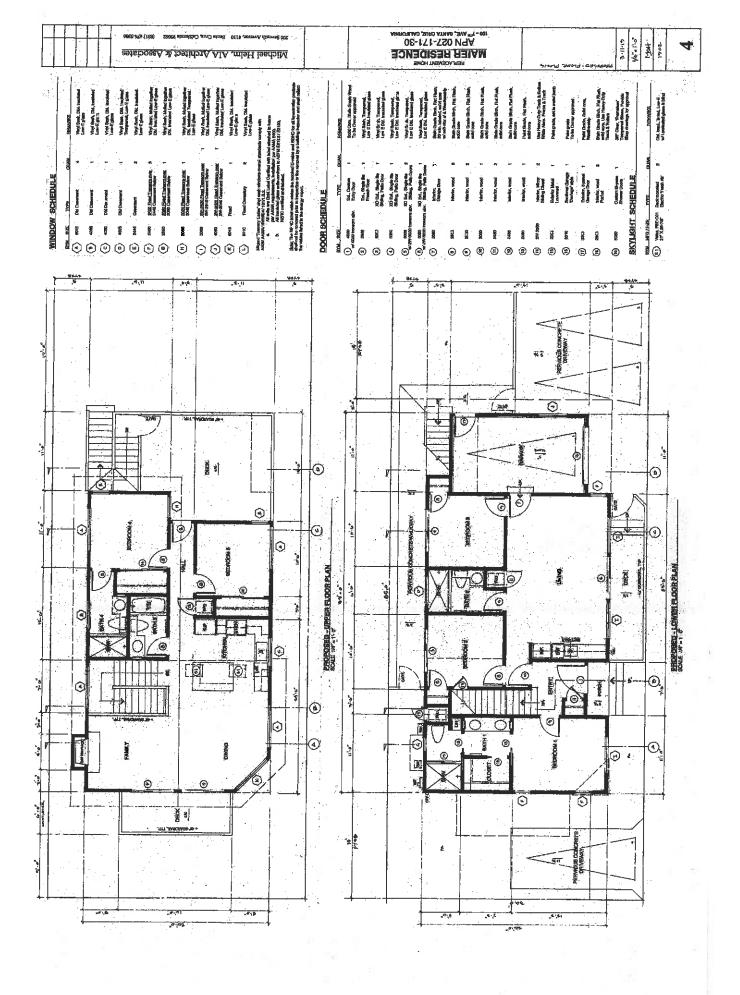


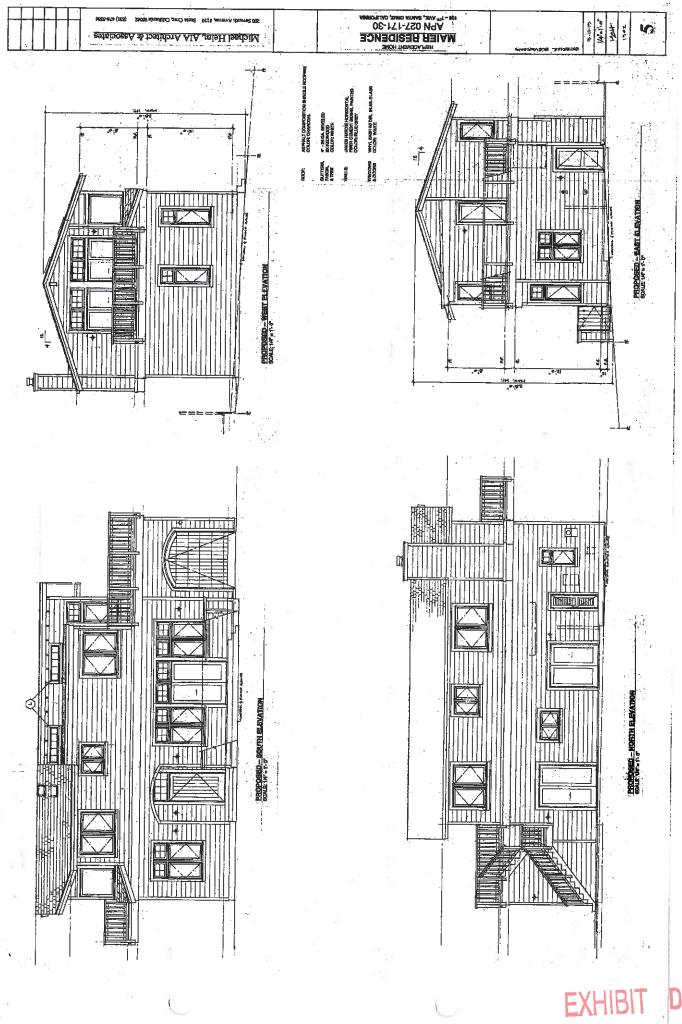


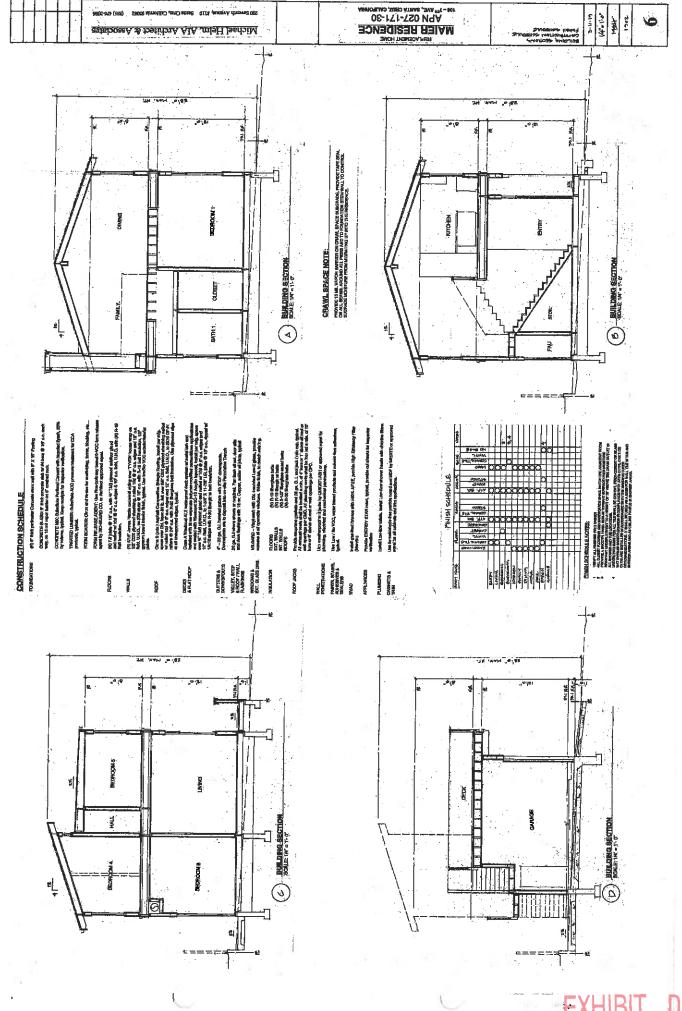


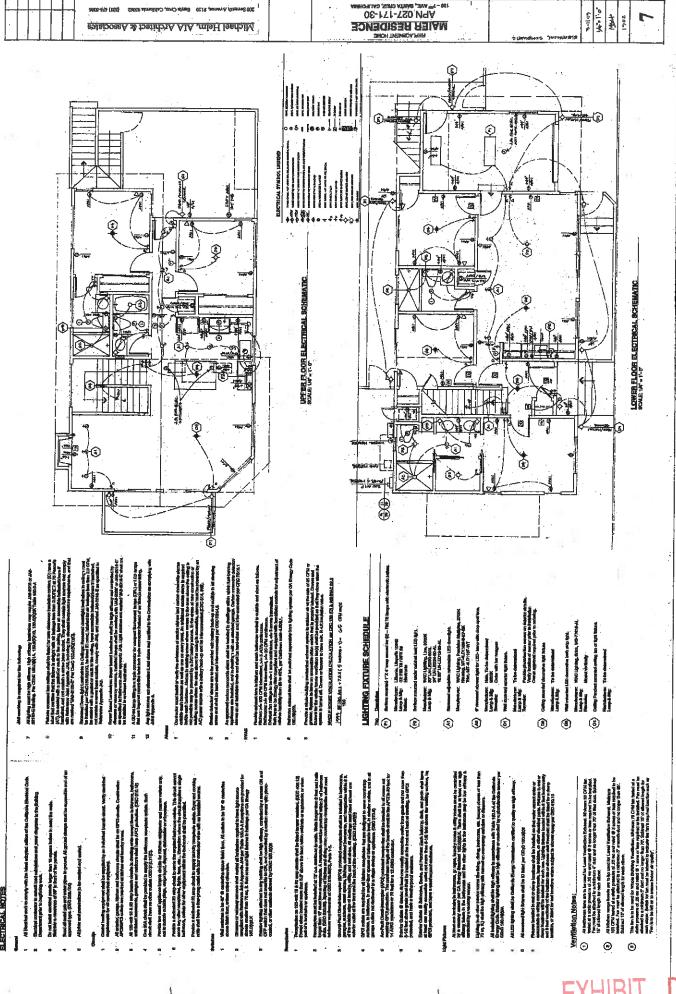


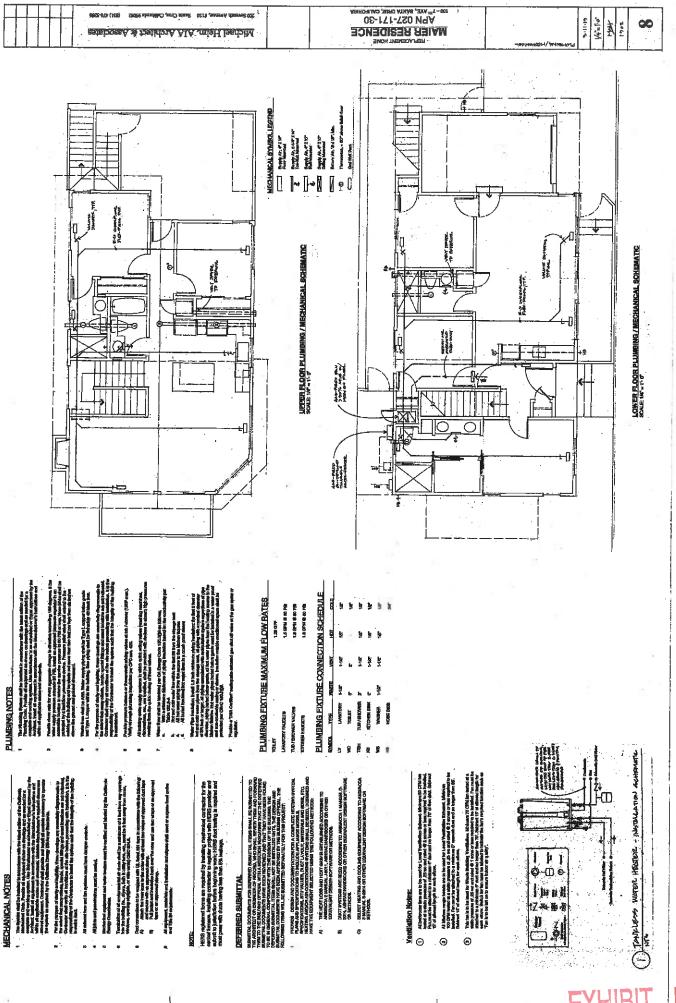


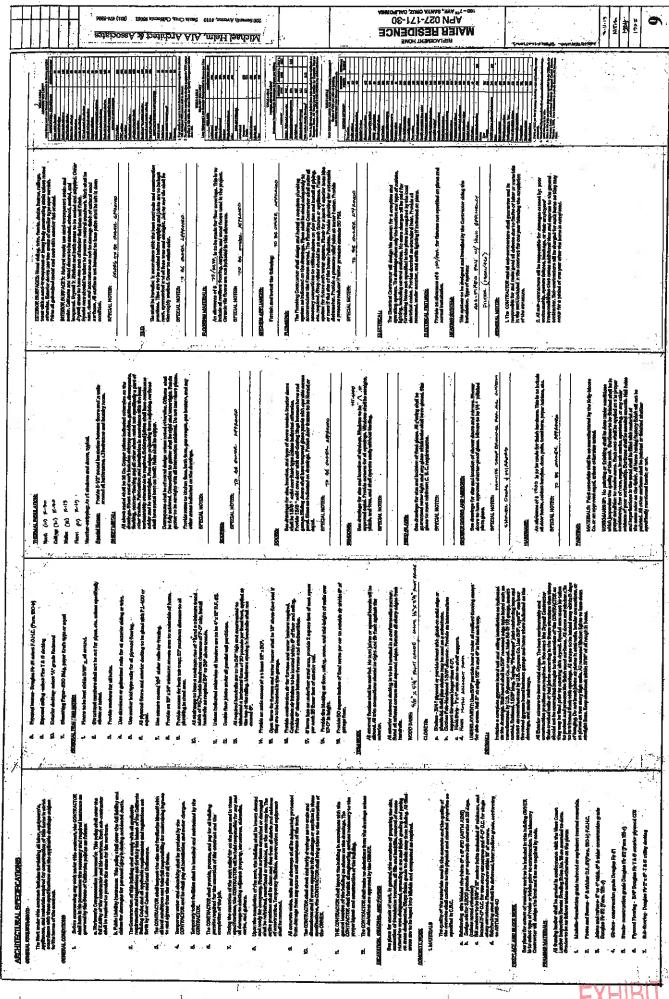


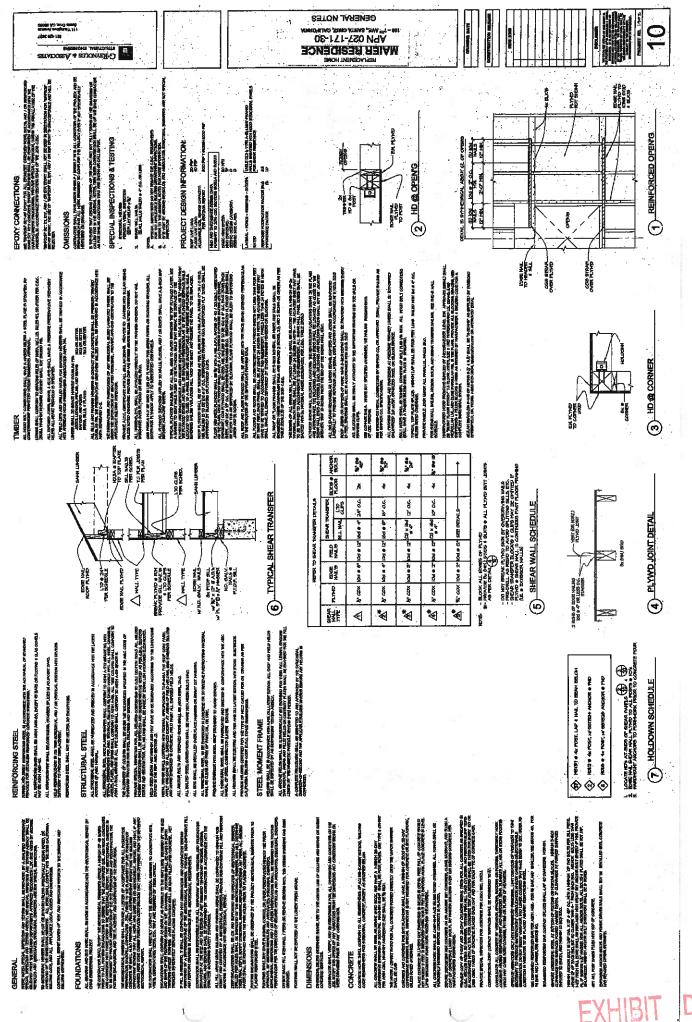


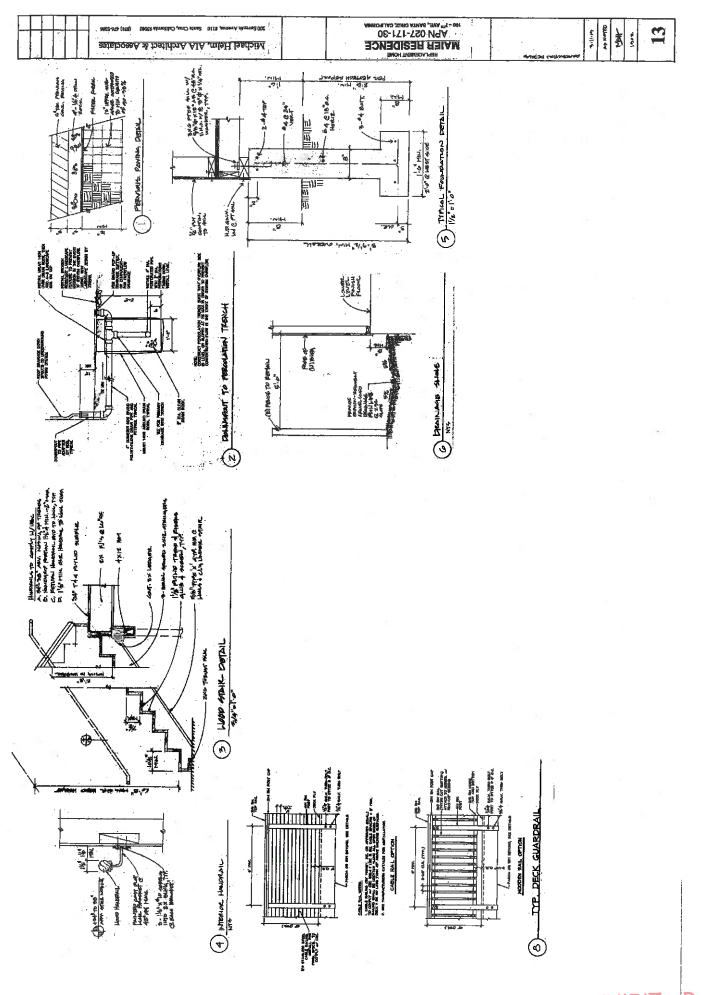


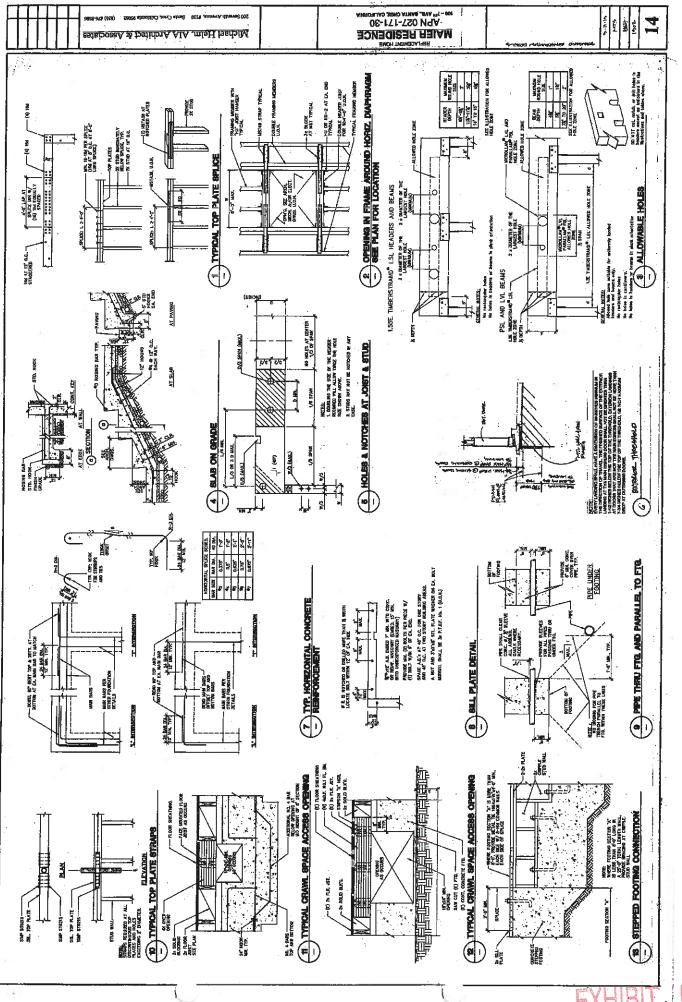


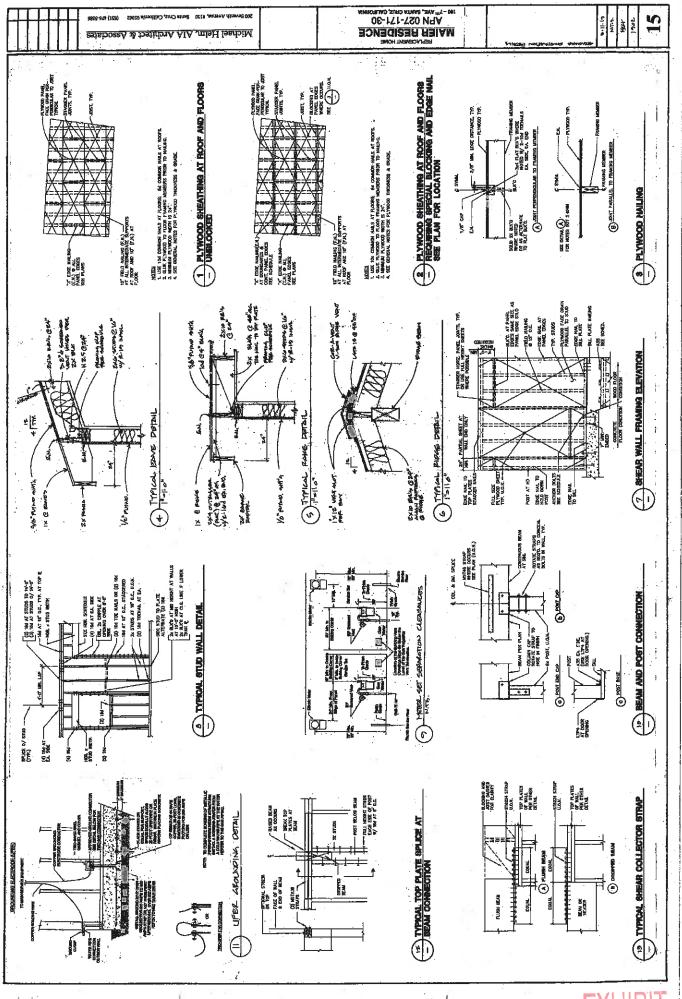












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Study Parcel

Existing Park

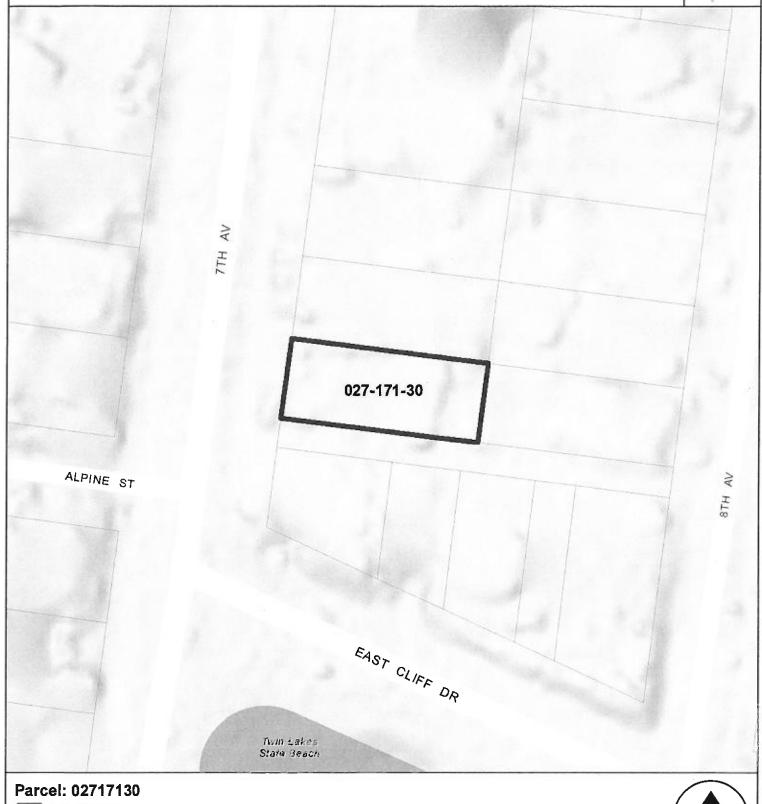
Map printed: 19 Jul. 2019

Assessor Parcel Boundary

# SANTA CRUZ COUNTY PLANNING DEPARTMENT

# **Parcel Location Map**









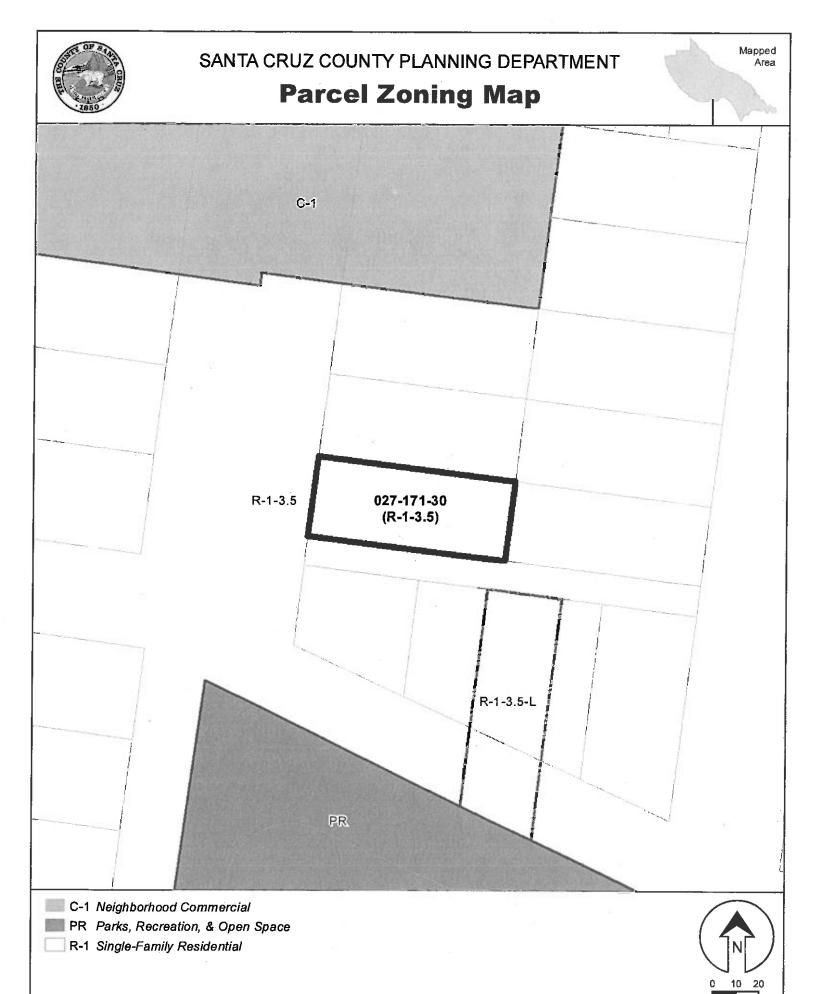
# SANTA CRUZ COUNTY PLANNING DEPARTMENT

# **Parcel General Plan Map**

Mapped Area







Owner: Joetta & Daniel Maier

## **Parcel Information**

#### **Services Information**

Urban/Rural Services Line:

X Inside Outside

Water Supply:

City of Santa Cruz

Sewage Disposal:

Santa Cruz County Sanitation District

Fire District:

Central Fire Protection District

Drainage District:

Zone 5 Flood Control District

#### **Parcel Information**

Parcel Size:

3,060 square feet (per architect)

Existing Land Use - Parcel:

Single family dwelling

Existing Land Use - Surrounding:

Mixed commercial/residential neighborhood, beach Alley off 7th Avenue

Project Access:

Live Oak

Planning Area:

R-UH (Urban High Density Residential)

Land Use Designation: Zone District:

R-1-3.5 (Single family residential - 3,500 square feet per

parcel)

Coastal Zone:

X Inside

\_\_ Outside

Appealable to Calif. Coastal

X Yes

\_\_ No

Comm.

#### **Environmental Information**

Geologic Hazards:

Not mapped/no physical evidence on site

Fire Hazard:

Not a mapped constraint

Slopes:

es: 1-2%

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

Archeology:

Not mapped/no physical evidence on site

March 21, 2019

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

RE:

Application #\_\_\_\_\_, APN 027-171-30

Maier Residence

Dear Project Planner,

This letter is to help clarify issues that have already been discussed with various departments prior to our Discretionary Development Permit submittal and review.

#### Zoning - Review by Elizabeth Haywood

- The existing building was constructed in 1925. It is not possible to retain any portion of it due to it being single-wall construction, substandard foundation, framing over-spanned and a recent 37-page termite report indicating substantial damage top to bottom.
- 2 A Variance for FAR and Minor Exception for Lot Coverage will be required.
- The proposed project would provide four parking spaces located entirely on the subject parcel. The proposed paving for the parking space located in the front yard setback meets the County requirement of not exceeding 50% of the lot width.
- 4 The proposed Lower Level wet bar will not have any cooking devices.
- I have reviewed the proposed project plans with the Property Owner's directly to the north (Breeding) and south (Denton) of the subject property and have their support.
- We acknowledge the installation of Neighborhood Notification Signage. Please provide exact description and we will fabricate and provide affidavit of installation as required.

#### Public Works Drainage - Review by Jennifer

- See BMP's, and drainage features on sheets 2.1, 2.2 and details 1/13, 2/13 and 6/13.
- 2 See Stormwater Management & Maintenance Agreement Notes on sheet 2.1.

#### Environmental Planning - Review by Robert Loveland

- 1 Robert Loveland will allow postponement of submittal of the Soils Report to the building application phase due to existing recent reports available on adjacent properties.
- We anticipate our Geotechnical Investigation will be completed and submitted to Environmental Planning prior to our Discretionary Permit Hearing.

#### Fire - Review by Jim Dias

Project is to be fully fire sprinklered and an existing fire hydrant is within 225 feet to the subject property. We acknowledge a plan review fee payable to Central Fire Protection District is required.

Please do not hesitate to contact me personally if you should have any questions or comments concerning this project.

Respectfully submitted,

Michael Helm, Architect

7/Mmh

# PROJECT DESCRIPTION

Proposal to replace an existing single-family dwelling with a new 2-story residence. Requires a Coastal Development Permit, Design Review (Harbor), a Variance to increase the allowed floor area ratio from the allowed 50% to 65.3% and a Minor Exception to increase the lot coverage from the allowed 40% to 43%. The property is located on the east side of 7th Avenue (100 - 7<sup>th</sup> Avenue) between East Cliff and Bonnie Street.

#### PARCEL INFORMATION

APN

027-171-30

Parcel Size:

3,060 square feet

Existing Land Use - Parcel:

Residential

Existing Land Use - Surrounding:

**Project Access:** 

Residential and Commercial 7<sup>th</sup> Avenue between East Cliff and Bonnie Street

Planning Area:

Live Oak

Land Use Designation:

R-UH (Urban High Residential) R-1-3.5 (Single-family residential,

Zone District:

3,500 Square foot minimum parcel size)

Inside

Coastal Zone:

Yes

Appealable to Cal. Coastal Comm.

#### **ENVIRONMENTAL INFORMATION**

Geologic Hazards:

Not mapped/ no physical evidence on site

Soils:

Soils Report - REQUIRED

Fire Hazard:

Not a mapped constraint

Slopes:

0-2%

Env. Sen. Habitat:

Not mapped/ no physical evidence on site

Grading:

No Grading required

Tree Removal:

None

Scenic:

Not a mapped resource

Drainage:

Existing drainage adequate

Archeology:

Not mapped/ no physical evidence on site

#### SERVICES INFORMATION

Urban/Rural Services Line:

Inside

Water Supply:

City of Santa Cruz

Sewage Disposal:

County of Santa Cruz

Fire District:

Central Fire Protection District

Drainage District:

Zone 5

#### **HISTORY**

This area was part of the Twin Lake Park subdivision recorded in 1914. According to County Assessor's records, the existing single story dwelling was constructed in 1925, a date that precedes the requirement to obtain a building permit, and that preceded the existence of the County Zoning Ordinance.

#### **PROJECT SETTING**

The subject parcel is located on the east side of 7<sup>th</sup> Avenue between the intersections of East Cliff and Bonnie Street, in an area that is designated in the General Plan as within the Harbor Area Special Community. Small neighborhood commercial buildings are located to the north of the site. 7<sup>th</sup> Avenue, an arterial roadway providing access to the beaches located one long block to the west of the subject parcel. The rest of the neighborhood is residential with a wide range of architectural styles. This is a neighborhood in transition, with many of the original single-story vacation cottages being reconstructed as two-story dwellings used throughout the year. This area is a apart of the Live Oak Parking Program which establishes permit parking April through September, from 11 AM to 5PM Saturdays and Sundays and three holidays (Memorial, Independence and Labor Day).

#### **ZONING & GENERAL PLAN CONSISTENCY**

The subject property is a parcel of approximately 3,060 square feet, located in the R-1-3.5 (Single-family residential, 3,500 square foot minimum parcel size) zone district, a designation that allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Residential) General Plan designation.

#### **LOCAL COASTAL PROGRAM CONSISTENCY**

The proposed single-family dwelling is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed parcels in the residential portion of the neighborhood contain single-family dwellings. Size and architectural styles vary widely in the area, and the design proposed 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.

Because of the subject parcel's proximity to the beach area, the preservation of on-site parking is of particular importance to serve both the neighborhood and beach visitors. Currently no on-street parking is available. The small size of the parcel and the current configuration of the dwelling result in two off-street parking spaces. The proposed project would provide four parking spaces located entirely on the subject parcel.

#### **DESIGN REVIEW**

The proposed single-family dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural features such as a pitched roof to reduce the apparent mass and bulk of the structure; and sufficient fenestration to break up the wall planes. Together, these features will reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. The dwelling is to be finished in "wood" horizontal siding painted a blue/grey color with white window frames and doors.

#### HARBOR AREA SPECIAL COMMUNITY

The subject parcel is within the Harbor Area Special Community. County Code 13.20.144 specifies the following design criteria for the Harbor Area Special Community.

New development in the single-family (R-1) 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, wood siding. Setbacks should conform to that predominant for other houses on the street.

This proposal will have clean lines, a pitched roof and wood siding. In this case, the "wood" siding is a man-made material (fiber-cement), a material better suited for the marine climate.

#### **VARIANCES**

The special circumstances warranting the proposed variances are the small size of the subject parcel and the dimensions of 36 feet by 85 feet. With just 3,060 square feet in area, the subject parcel is a smaller size of most lots in the area that typically range in size from 2,000 to 3,500 square feet. In addition, the subject parcel is 87 percent of the minimum parcel size for this zone district. If the required lot coverage and FAR were strictly applied, they would allow 1,224 square feet for lot coverage and 1,530 square feet for FAR the structure, a size impractical for a reasonably sized single-family dwelling. The proposed reconstruction would facilitate a modern, updated home while minimizing the impact to the surrounding neighborhood by constructing modest additions to the first and second floors. Given the small size of the parcel and its shallow width, the variance described below is considered reasonable.

Variance to floor area ratio maximum. County Code allows for a maximum of .5 floor area ratio (FAR). For the subject parcel, with 3,060 square feet in net site area, FAR would allow 1,530 square feet of habitable area. The project proposes a floor area ratio of 65.3 % or 1,999 square feet, which is in excess of the 50% limit and a variance is required. Given the small size of the parcel, this modestly sized dwelling is considered reasonable.

Minor Exception to lot coverage. County Code Section 13.10.323 limits lot coverage to 40% of the parcel, which in the case of the subject parcel would be just 1,224 square feet of coverage. The existing lot coverage is 35.6%. The proposed remodel of the dwelling would increase the lot coverage to 43% (1,316 SF), which is in excess of the 40% limit and a minor exception is required. A Minor Exception to lot coverage allows an increase of 10%. Given the size of the subject parcel, and the constraints created by the setback requirements, the proposed lot coverage of 43% balances the intent of the County Code to limit lot coverage with the need to construct a reasonably sized home.

Granting the proposed variance to floor area ratio and a minor exception to lot coverage does not constitute a grant of special privileges in that other, larger, properties are developed with reasonably sized dwellings. The granting of variance to floor area ratio and a minor exception lot coverage will provide a reasonable amount of living space for a residence on the subject parcel. Denial of the proposed variance would result in hardship for the property owner by extinguishing the ability to construct a reasonably sized dwelling. Several properties in the vicinity have been granted variances, including 141- 8<sup>th</sup> Ave., 152 - 8<sup>th</sup> Ave., 821 Carmel St., 331 - 5<sup>th</sup> Ave., 752 Bonnie Street, 2721 East Cliff and 351 - 5<sup>th</sup> Ave.

#### **ENVIRONMENTAL REVIEW**

The proposed residential addition is categorically exempt from review under the Environmental Quality At (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Respectfully submitted,

Michael Helm, Architect

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