



Staff Report to the Zoning Administrator

Application Number: **231273**

Applicant: Peter Bagnall
Owner: Julia Challinor
APN: 028-293-26
Site Address: 437 Anchorage Avenue

Agenda Date: 10.20.23
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to reconstruct an existing, nonconforming 764 square foot single-family dwelling within the existing footprint, including revisions to the roofline and addition of a approximately 13.5 square foot roof projection (porch) at the rear elevation.

Location: Parcel located on the western side of Anchorage Avenue (437 Anchorage Avenue), at the corner of Scriver Street and Anchorage Avenue, and within the Pleasure Point Combining District.

Permits Required: Requires a Site Development Permit to reconstruct a nonconforming structure; variances to increase the plate height of the to within 2 feet of the rear property line structure from 8 feet to 9 feet within the 10 foot street-side setback and to 17 feet 9 inches within the 15 foot rear setback, and to add a porch roof that extends to within 2 feet of the rear property line where 9 feet is required; a Notice of a Coastal Exclusion; and a determination that the project is exempt from CEQA.

Supervisory District: 1 District (District Supervisor: Manu Koenig)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 231273, based on the attached findings and conditions.

Project Setting

The parcel is located on the western side on the corner of Anchorage Avenue and Scriver Street in a mixed-use neighborhood that includes an eclectic mix of one and two-story houses that exhibit a wide range of architectural styles as well as materials and colors. The neighborhood includes an increasing number of newer and updated homes sporting more contemporary architectural styles. The subject property and many others in the neighborhood have legal nonconforming structures that were built before building and zoning permit requirements.

Project Background & Description

The subject parcel was created from lot 49 of Subdivision No. 1 of Moran Lake Park that was recorded in May 1926. The original parcel was subsequently divided before 1950 and in the early

1950s which created the subject parcel APN 028-291-26. The existing house on the parcel was constructed in 1954, prior to Building Permit requirements, as a flat roofed, one-story dwelling with one bedroom, one bathroom and an attached one-car garage. The garage was subsequently converted to a second bedroom but there is no record of any permit for this change.

On September 26, 2022 building permit, B-223251, was issued to construct a 52 square foot addition, convert an existing 342 square foot workshop to habitable area and remodel the interior of the existing structure to create a new laundry room, bathroom and living room, which resulted in a 764 square foot, 1 bedroom and 2 bathroom single-family dwelling. The remodel of the dwelling also included addition of a partially peaked roof. This building permit resulted in 36% modification of the structure and did not require a discretionary permit since the existing non-conforming building footprint/envelope was not changing, the peaked roof did not increase the top plate height, and the 52 square foot addition conformed to all current zone district standards.

During the construction of B-223251, the rest of the house was demolished and re-framed to include an additional roof peak with an increased plate height at nonconforming portions of the structure. This additional work was done without permits.

In addition to a Change Order to issued Building Permit, B-223251, the increased scope of the as-built remodel requires approval of a Site Development Permit to reconstruct a nonconforming structure; variances to increase the plate height of the structure from 8 feet to 9 feet within the 10 foot street-side setback, and to increase the height from 13 feet 7 inches to 17 feet 9 inches within the 15 foot rear setback, and to add a porch roof that extends to within approximately 1 foot 6 inches from the rear property line where 9 feet is required; Notice of a Coastal Exclusion; and determination that the project is exempt from CEQA.

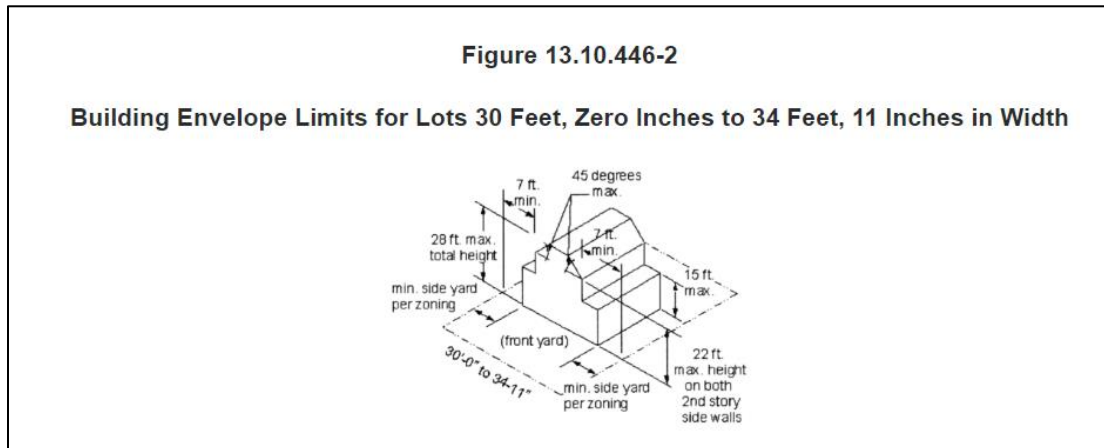
Zoning & General Plan Consistency

The subject property is a 2,297 square foot lot, located in the R-1-5-PP (Single Family Residential – Pleasure Point Combining District) zone district, a designation which allows residential uses. The proposed single-family residential dwelling is principally permitted use within the zone district and the zoning is consistent with the site's R-UH (Urban High Density Residential) General Plan designation. In the R-1-5 zone district, a minimum of 5,000 square feet of net developable land is required for the creation of new parcels. The existing legal nonconforming parcel is only 2,297 square feet in size, less than 50% of the minimum parcel size for the zone district.

Site standards for the R-1-5-PP zone district are set out in the table below.

Development Standard	R-1-5-PP Zone District	Existing	Proposed
Front Setback	20 feet	20 feet	20 feet
Street Side Setback	10 feet	8 feet	8 feet
Interior Side Setback	5 feet & 7 feet 2 nd story /height over 15 feet	5 feet & NA	5 feet & NA
Rear Setback	15 feet	5 feet 5 inches	5 feet 5 inches
Maximum Height	28 feet	13 feet 7 inches	17 feet 9 inches
Maximum FAR	50%	33%	33%
Maximum Lot Coverage	40%	33%	33%

In the Pleasure Point Combining District, in accordance with SCCC 13.10.446(A)(1)(b) and 13.10.446(A)(1)(d), there are additional restrictions on building height within the side yard setback and increased side yard setbacks at the second floor. For this parcel the standards are based on lots between 30 feet and 34 feet 11 inches in width as shown in the figure below. As proposed, the project complies with a -PP combining district standards.



The existing dwelling is, however, nonconforming to current site and development standards for the zone district, in that the house is only 8 feet from the street-side yard property line adjacent to Scriver Street where a setback of 10 feet is required, and 5 feet 5 inches from the rear property line (west side of the parcel) where a setback of 15 feet is required.

Nonconforming Structures, SCCC 13.10.262

Per County Code section 13.10.262 – “Nonconforming Structures”, structural alterations may be made to an existing nonconforming structure without additional permit requirements, where such modifications do not constitute reconstruction, which is defined by County Code 13.10.260(B)(6), as modifications that alter 65% or more of the major structural components. Further, conforming additions that do not increase the nonconforming dimensions of the structure may be constructed. The proposed project results in a total modification greater than 65%, therefore the proposed project is a reconstruction of the existing nonconforming structure. In addition, the alteration of the roofline results in an increase to the nonconforming dimensions of the structure. A Site Development Permit is therefore required in accordance with County Code section 13.10.262(A)(3), to allow for these changes.

Variances

Per Administrative Practice Guideline NCS-01, Nonconforming Structures – Structural Alterations to Roofs, the proposed project does increase the top plate height above the Uniform Building Code required height, therefore the project requires variances to 1) increase the plate height of the nonconforming structure within the street side; 2) increase the structure height from 13 feet 7 inches to 17 feet 9 inches in the rear setback; and 3) increase the encroachment in the rear setback by adding a 4 foot porch roof that extends to within approximately 1 foot 6 inches from the rear property line. While there are special circumstances surrounding the existing nonconforming building footprint and substandard parcel size, the third variance as proposed is not compliant with fire safety standards and therefore staff recommends conditioning this variance to remove any part of the porch roof that is located within the 2 foot eave fire safety maintenance area as measured from the property line.

Since the proposed project is in character with other developments in the vicinity, staff recommends the approval of these three variances based upon a condition of approval that the porch roof is reduced in size so as to maintain a minimum 2-foot setback from the property line. A complete list of variance findings is included with this report.

Public Outreach/Public Comment

A comment was received from a neighboring property owner with concerns over the structure's increased height in the rear setback and concerning increased encroachment by the porch roof. See full correspondence at Exhibit G.

The increased roof height is considered appropriate in that the remodeled structure will be only one-story will be lower in height than the two-story house on the neighboring property and less than the maximum height of 28 feet as allowed in the zone district. A covered porch at the rear entry to the dwelling is considered reasonable. However, to comply with fire safety requirements, staff is recommending a condition of approval that the porch roof be reduced in size to maintain a minimum 2-foot setback from the property line. This will also reduce the impact of the porch on the neighboring property. In addition, to address neighbor concerns regarding the visual impact of the remodeled dwelling, a further condition of approval has been added requiring that the height of the rear property fence be increased to 8 feet behind the dwelling, in order to create greater screening.

Conclusion

As proposed and conditioned to require removal of any part of the porch roof that is located within the 2 foot eave fire safety maintenance area as well as to increase the rear property fence height behind the dwelling to 8 feet in order to create greater screening, 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 **231273**, 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 Division, 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.sccoplanning.com

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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 Division 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: 231273

Assessor Parcel Number: 02829326

Project Location: 437 Anchorage Avenue, Santa Cruz, CA 95062

Project Description: Proposal to reconstruct an existing, nonconforming 764 square foot single-family dwelling, resulting in a 1 bedroom, 1.5 bath with a new sloped roof.

Person or Agency Proposing Project: Peter Bagnall

Contact Phone Number: 831.426.4977

- 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. ☐ **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 and Class 3

F. Reasons why the project is exempt:

This is a demolition and reconstruction of an existing single-family dwelling that does not result in any intensification of use.

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

Alexandra Corvello, Project Planner

Date: _____

Site Development Permit Findings

Site Development Findings are required for nonconforming structures, per County Code 13.10.262, and Development Findings are required for discretionary permits per County Code 18.10.230, therefore the following findings are a combination of both required findings.

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

This finding can be made, in that the project is located in an area designated for residential uses and the proposed single-family dwelling is principally permitted. 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 in substantial conformance 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 reconstructed 764 square foot single-family dwelling will be within the same nonconforming building footprint as the original structure on the parcel. The conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5-PP (Single Family Residential 5,000 square foot parcel size and Pleasure Point Combining District) zone district, as the primary use of the property will be a one-story single family dwelling that, with the approval of variances to allow for an increase in height in the street side and rear setbacks, as well as for a porch roof that extends into the rear yard, the reconstructed dwelling meets all current site standards for the zone district. The parcel is located within the Pleasure Point Combining District that imposes site and development standards that are in addition to those required by the site's R-1-5 zoning. These include increased setback restrictions at the second floor to reduce the visual and shading impacts of new and expanded houses on neighboring parcels and homes.

In accordance with SCCC 13.10.262, Nonconforming Structures, the proposed project will preserve existing housing stock through the reconstruction of the existing non-conforming structure, which will be brought into compliance with current Building Codes. As proposed, the reconstruction of the existing nonconforming structure will result in a dwelling that continues to encroach into the street side setback by approximately 2 feet and rear setback by approximately 10 feet. Per Administrative Practice Guideline NCS-01, Nonconforming Structures – Structural Alterations to Roofs, the proposed project results in an increase to the top plate height within the nonconforming street side and rear setbacks. Because this increase in height exceeds the minimum height required under the Uniform Building Code, variances are required to permit the increase in height of the nonconforming structure within the street side and rear setbacks.

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

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

The proposed one-story 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 one-story structure will not adversely shade adjacent properties and will meet current setbacks for the zone district.

The proposed one-story 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, with the approval of variances to allow for an increase in height in the street side and rear setbacks, as well as for a porch roof that extends into the rear yard, the proposed one-story single-family dwelling will comply with the site standards for the R-1-5-PP zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure in substantial conformance with a design that could be approved on any similarly sized lot in the vicinity. The project will also conform with General Plan Policy 2.1.17 (Nonconforming Uses and Structures), in that the existing nonconforming dwelling will be reconstructed within the existing footprint and variances can be approved to allow for a minor increase the structural dimensions where the structure is nonconforming to setbacks.

The site is located within the Pleasure Point Community Plan. The plan focuses on maintaining the beach town characteristics, angling roofs to minimize shading in the side setbacks, providing greater human interaction front yard elements such as front porches and reducing parking footprint. The proposed project maintains the beach town characteristic by keeping it as a one-story structure that will not adversely shade adjacent properties and that has exterior colors and materials that are consistent with neighboring dwellings. The resulting dwelling will still be small in scale and will de-intensify the use overall, in that the remodel of the interior results in a reduction to the number of bedrooms from two bedrooms to one bedroom, thereby reducing the required number of off-street parking spaces from three to two.

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

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

This finding can be made, in that the proposed reconstruction of the existing one-story single-family dwelling on an existing developed lot will not increase the expected level of traffic generated. This is because the number of bedrooms will be reduced from two bedrooms to one bedroom and therefore traffic generation would be similar or reduced from the existing level. As such, the project 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 one-story and two-story structures, developed in a variety of architectural styles and includes similar historical nonconforming developments built before 1956. The proposed one-story single-family dwelling will therefore be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

6. Any additional parking requirements created by the project can be met in accordance with SCCC 13.10.551.

This finding can be made, in that the proposed reconstruction of the existing dwelling and increased height of the structure will result in a dwelling that has a reduced number of bedrooms from two to one. County Code section 13.10.552 “Schedule of off-street Parking Space Requirements,” sets out that a one-bedroom dwelling requires a minimum of two parking spaces whereas a two-bedroom dwelling requires three spaces. As proposed, a total of two parking spaces will be provided for the project, which therefore complies with current parking standards.

7. The proposed project will not significantly impair economic development goals or key land use goals of the General Plan.

This finding can be made, since the proposed project is consistent with the intent and purpose of the residential zoning in that it will result in a one-story single-family dwelling that, with the approval of a Site Development Permit to allow for the reconstruction of the existing dwelling where it encroaches into the street side and rear setbacks and variances to increase the height of the top plate and roof height within the rear and street-side yard setbacks, as well as allow for a porch roof that encroaches to within 2 feet of the rear property line, will comply with all site and development standards for the zone district. Further, the new home will comply with General Plan Policy 2.1.17 (Nonconforming Uses and Structures) in that the project will result in the retention of an existing nonconforming residential structure and will therefore, promote and not impair economic development goals of a residential neighborhood.

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 proposed variances to the site and development standards are required due to special circumstances applicable to the property. These include that the parcel size is only 2,297 square feet where 5,000 square feet are required within the zone district and because the original footprint of the dwelling was nonconforming to current setbacks and this footprint is not being changed. The proposed project is located in a mixed area of older and newer homes, many of which are also nonconforming to setbacks, that include a wide variety of architectural styles that encompass the design of the proposed house on the subject parcel.

- 1) The first variance is required for an increase in the top plate height by one foot, from eight feet to nine feet, to result in a modern split slope Skillion, or shed-style roof, within the street-side yard for approximately half of the width of the structure. Building heights of 28 feet are allowed within the R-1-5-PP zone district, therefore the small increase in height of the existing nonconforming one-story structure is not a grant of special privilege.
- 2) The second variance, also required for the revised roofline and is to allow an increase in the structure's height from 13 feet 7 inches to 17 feet 9 inches in the rear yard setback. The resulting height of the structure is less than that of existing surrounding dwellings, which include either steeper pitched roofs or are two-stories in height and that are also nonconforming to current zone district standards.
- 3) The third variance is required to add a 4-foot-wide porch roof over a door located along the existing nonconforming rear wall of the dwelling. As conditioned by this Permit, the as-built porch roof will be reduced in size to comply with fire safety standards and will be reduced in size so that a minimum of 2-feet will be maintained between the porch roof and the property line. Extended eaves and covered porches may encroach up to 6 feet into the required rear yard setback in accordance with zone district standards. However, due to the existing nonconforming building footprint where the rear wall of the structure is only 5 feet 5 inches from the rear property line, a variance is required to allow for a porch that will extend beyond the standard 9-foot setback. A covered entry at the rear entrance to the dwelling is not a grant of special privilege.

Since there are special circumstances to the parcel and the proposed project will result in a dwelling that is in character with other developments in the vicinity, staff recommends the approval of the three variances based upon a condition of approval that the as-built porch roof be reduced be reduced in size to comply with the 2 foot eave fire safety maintenance 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 intent and purpose of the residential zone district is to provide for residential uses. The proposed one-story dwelling will not impact public health, safety or welfare, or injurious to property or improvements in the vicinity with the conditioned third variance.

- 1) The first variance to increase the top plate height for half of the structure to 9 feet. This roof has already been installed and can be seen to be similar to other remodeled structures within the area that have been remodeled to provide increased internal ceiling heights and is therefore in harmony with the general intent and purpose of zoning objectives.
- 2) The second variance to increase the structure's height to 17 feet 9 inches along the existing nonconforming rear wall, will not be detrimental to public health or safety since the one-story structure is within the 28-foot maximum height limit and the remodeled structure is not as tall as surrounding two-story structures.
- 3) The third variance to permit a porch roof that, as conditioned by this Permit, will encroach to within 2 feet of the property line, will comply with fire safety standards. As such, the porch 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.

To further ensure that the project will not be materially detrimental to neighboring properties, this Permit has been conditioned to require that the rear fence behind the dwelling be increased in height to 8 feet. This will screen the development in views from the neighboring parcel and reduce the visual impact of the revised roofline and new porch roof. Therefore, staff recommends approval of the three variances.

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 since other properties within the surrounding neighborhood are also nonconforming to setbacks, several with greater encroachment than at the subject property. Further, the height of the remodeled structure will be consistent with that of other existing nonconforming dwellings in the area that have been remodeled or reconstructed. It should also be noted that a previous application for this property (Permit 161301) was approved for a two-story 1,034 square foot replacement dwelling with a 248 square foot garage that would have had a 2-foot 3.75-inch rear yard setback. The current project represents a significantly less intensive development and, therefore, does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

Conditions of Approval

Exhibit D: Project plans, prepared by William Bagnall Architects Inc., dated 8.14.23.

- I. This permit authorizes the reconstruction of an existing nonconforming 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 Santa Cruz County Planning 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 Santa Cruz County Planning 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 off-site work performed in the County road right-of-way. This Permit does not recognize or authorize existing landscaping located in the public 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 Santa Cruz County Planning. The final plans shall be in substantial compliance with the plans marked Exhibit "D" on file with Santa Cruz County Planning. 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 Permit. If specific materials and colors have not been approved, 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 Santa Cruz County Planning review and approval.
 3. Show that the height of the structure will not exceed 17 feet 9 inches along the west elevation, within the rear yard setback, and will not exceed a top plate height of 9 feet along the north elevation, within the street-side yard setback.

4. Remove all portions of the rear porch roof that are within the 2-foot eave fire safety setback from the rear property line. Clearly indicate the minimum 2-foot setback to the edge of this roof on the plans.
 5. Details showing compliance with fire department requirements.
 6. Increase fence height at the rear of the dwelling to 8 feet to provide increased screening for the neighboring property.
- B. The applicant shall submit a Modification Worksheet with the building permit application materials.
- C. Meet all requirements of the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
1. The project has not been reviewed for compliance with Part 3 of the County Design Criteria. Prior to issuance of a building, grading, or other permit, final Stormwater Management documents shall be submitted for review and approval by Stormwater Management Section that adhere to the County Design Criteria and County Code 7.79.
 2. Pre-development runoff patterns and rates shall be maintained, and safe stormwater overflow shall be incorporated into the project design.
 3. New and/or replaced impervious and/or semi-impervious surface area shall not exceed 5,000 square feet.
- D. Meet all requirements of the Environmental Planning section of Santa Cruz County Planning, including:
1. The applicant shall provide a signed and stamped copy of an accepted soils report and update(s).
 2. Building permit application plans shall reference the soils report and update(s), include contact information for the geotechnical engineer, and include a statement that the project shall conform to the recommendations of the geotechnical engineer.
 3. Building permit application plans shall clearly represent all proposed grading, including any over excavation and recompaction as recommended by the geotechnical engineer.
 4. The applicant shall submit a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual, available here: <http://www.sccoplanning.com/Portals/2/County/Planning/env/ConstructionStormwaterBMPManual-Oct%20312011version.pdf>.

5. The applicant shall submit a drainage plan that complies with the requirements set forth in 2023 California Building Code (CBC) Section 1804.4 and the recommendations of the soils engineer.
 6. The applicant shall submit a signed and stamped Soils (Geotechnical) Engineer Plan Review Form to Environmental Planning. The plan review form shall reference each reviewed sheet of the final plan set by its last revision date. Any updates to the soils report recommendations necessary to address conflicts between the report and plans must be provided via a separate addendum to the soils report. The author of the report shall sign and stamp the completed form. An electronic copy of this form may be found on our website: www.sccoplanning.com, under “Environmental”, “Geology & Soils”, “Assistance & Forms”, “Soils Engineer Plan Review Form”.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Provide required off-street parking for 2 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.
- 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. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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 applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

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.

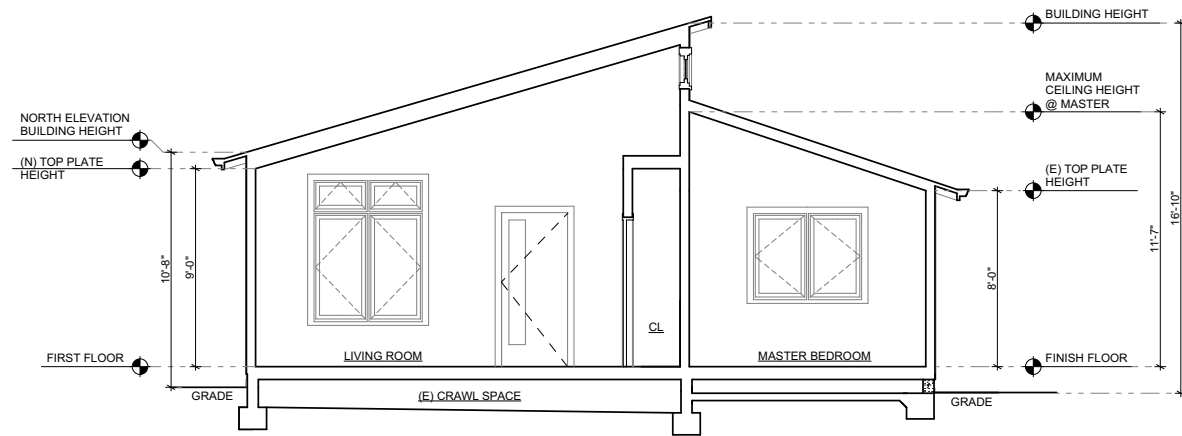
Approval Date: _____

Effective Date: _____

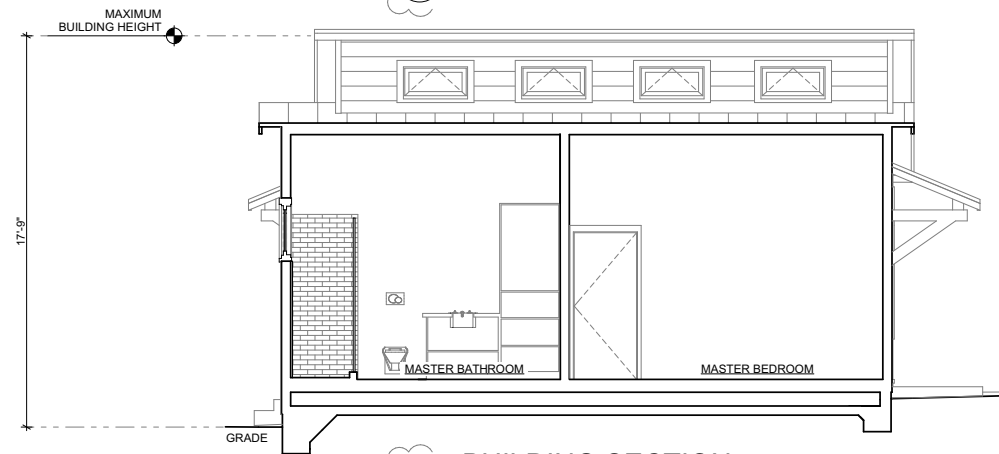
Expiration Date: _____

Deputy Zoning Administrator

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.



1 BUILDING SECTION
SCALE: 1/4" = 1'-0"



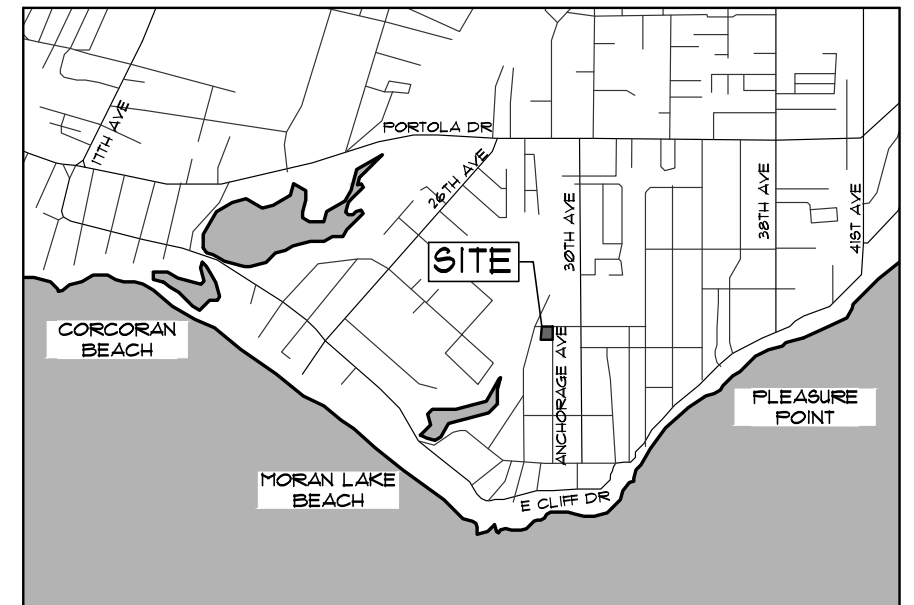
2 BUILDING SECTION
SCALE: 1/4" = 1'-0"

**BUILDING CODE INFORMATION
APPLICABLE CODES:**

2021 IRC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA RESIDENTIAL CODE (CRC)
2021 IBC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA BUILDING CODE (CBC)
2021 IFC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA FIRE CODE (CFC)
2021 UPC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA PLUMBING CODE (CPC)
2021 UMC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA MECHANICAL CODE (CMC)
2021 NEC, AS AMENDED BY STATE OF CALIFORNIA FOR
2022 CALIFORNIA ELECTRICAL CODE (CEC)
2022 CALIFORNIA ENERGY CODE
(2022 CALIFORNIA BUILDING EFFICIENCY STANDARDS)
2022 CALIFORNIA GREEN BUILDING STANDARDS CODE
(CAL GREEN)

CALIFORNIA BUILDING AND FIRE CODES (2022) AND THE
COUNTY FIRE DEPARTMENT AMENDMENTS TO THE
CALIFORNIA BUILDING AND FIRE CODES.

ALL OTHER APPLICABLE STATE LAWS OR REGULATIONS.
NOTHING IN THESE PLANS OR SPECIFICATIONS IS TO BE
CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE
CODES.



VICINITY MAP

NOT TO SCALE

PROJECT DATA:

APN: 028-293-26
ZONING: R-1-5 - SINGLE FAMILY RESIDENTIAL
OCCUPANCY: GROUP R-3 -- RESIDENTIAL
CONSTRUCTION TYPE: TYPE V-B, NON SPRINKLERED

BUILDING AREAS:

(E) PROPOSED RESIDENCE: 764 SF
(E) BUILDING COVERAGE: 764 SF
SITE / LOT AREA: 2,297 SF
SITE COVERAGE: 764 SF / 2,297 SF = .333 = **33%** (40% MAX)

PROPOSED FAR CALCULATION:

TOTAL FIRST FLOOR = 764 SF
TOTAL SITE AREA = 2,297 SF
FAR = 33%

PROJECT DESCRIPTION:

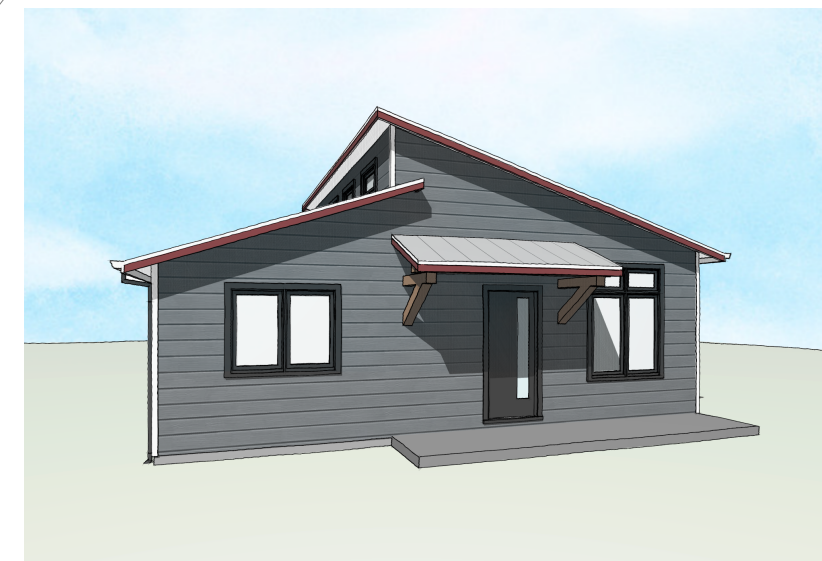
REMODEL OF AN EXISTING 764 SF, 1 BEDROOM, 2
BATHROOM SINGLE FAMILY RESIDENCE RESULTING IN A 1
BEDROOM, 1 1/2 BATHROOM SINGLE FAMILY RESIDENCE.
WORK TO INCLUDE RECONFIGURATION OF INTERIOR SPACE,
NEW WINDOWS, DOORS & SIDING, & A SLOPED ROOF OVER
THE NORTH HALF OF THE HOUSE. ALSO SEE CURRENT
BUILDING PERMIT B-223251 FOR WORK IN PROGRESS.

SHEET INDEX:

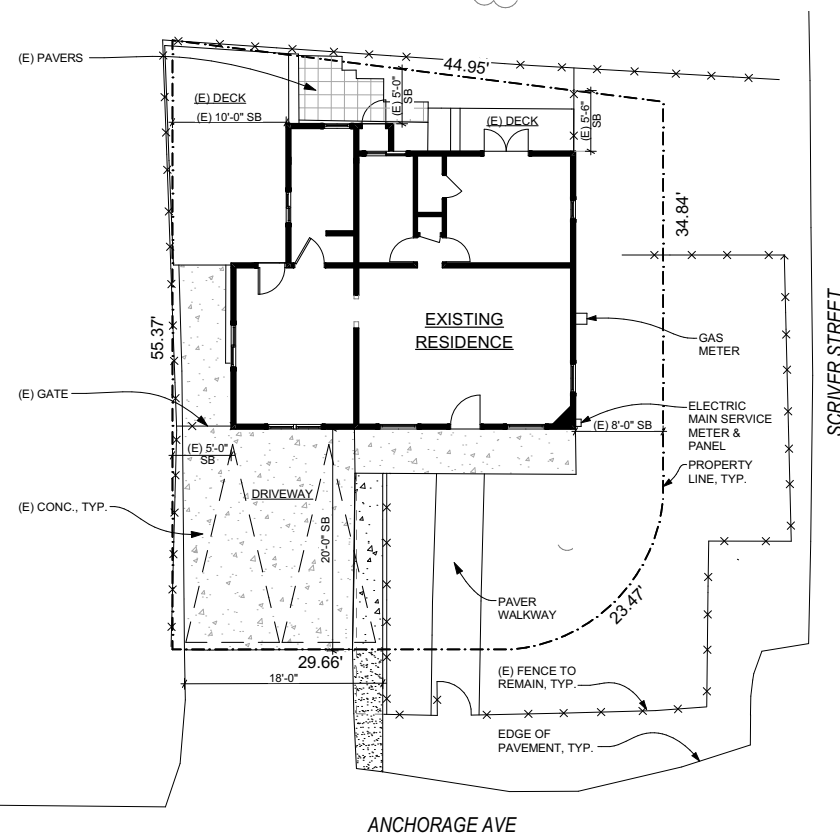
ARCHITECTURAL
A0 PROJECT DATA / GENERAL NOTES / PROPOSED & PREVIOUSLY PERMITTED SITE
PLAN / SECTION / PERSPECTIVE
A1 PROPOSED & PREVIOUSLY PERMITTED FLOOR PLAN / PROPOSED ROOF PLAN /
PROPOSED ELEVATIONS
A2 PREVIOUSLY PERMITTED ROOF PLAN & ELEVATIONS
A3 ORIGINAL FLOOR PLAN & ELEVATIONS

PARKING REQUIREMENTS:

PARKING REQUIRED:
2 SPACES
PARKING PROVIDED:
2 DRIVEWAY SPACES ON ANCHORAGE AVE

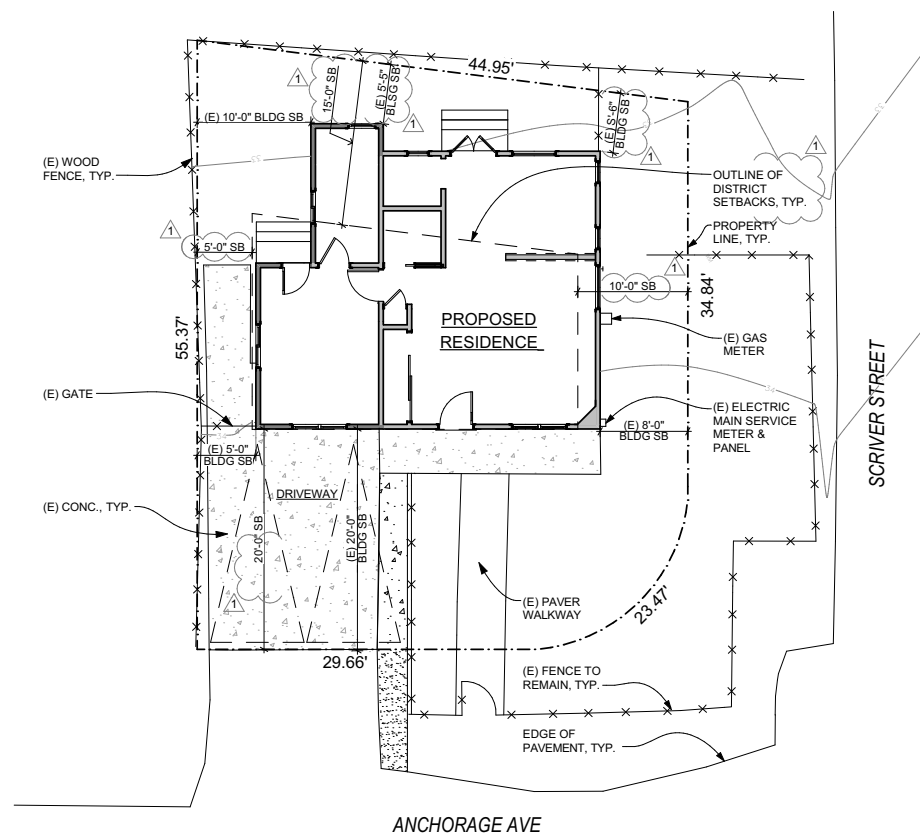


PROPOSED FRONT PERSPECTIVE



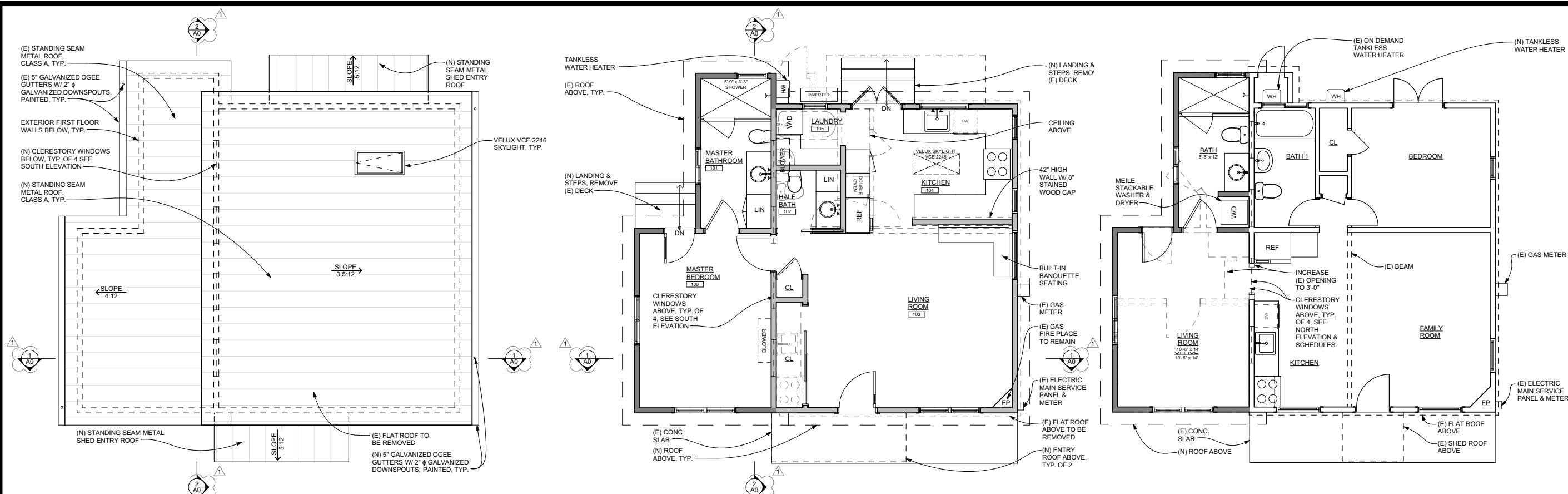
PREVIOUSLY PERMITTED SITE PLAN

SCALE: 1/8" = 1'-0"



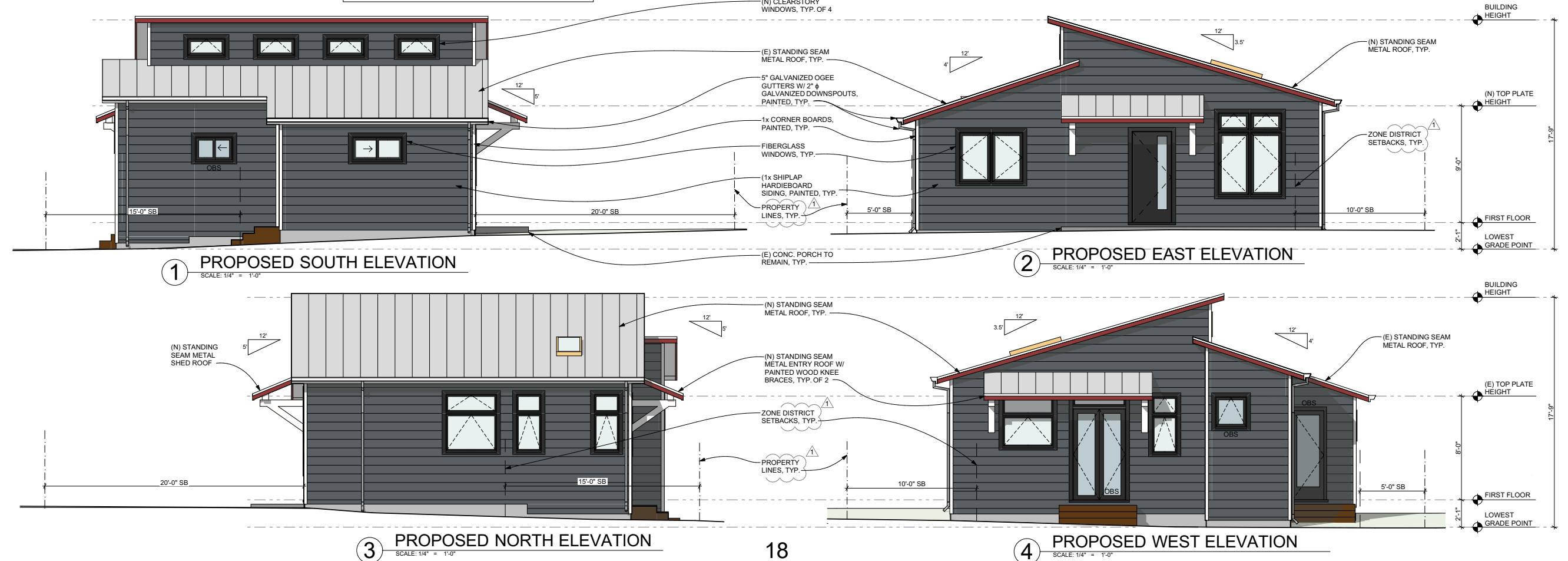
PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"



PLAN LEGEND

(Solid line)	INDICATES NEW 2x4 @ 16" O.C. STUD WALL
(Dashed line)	INDICATES EXISTING STRUCTURE TO BE REMOVED
(Thick solid line)	PREVIOUSLY PERMITTED WALL UNDER PERMIT B-223251
(Thin solid line)	ORIGINAL WALLS



WILLIAM BAGNALL ARCHITECTS INC.
ARCHITECTURE & PLANNING
125 Mission Street, Santa Cruz, California (831) 426-4977

REMODEL
437 ANCHORAGE AVE
SANTA CRUZ, CA

FLOOR PLANS / ROOF PLAN / ELEVATIONS

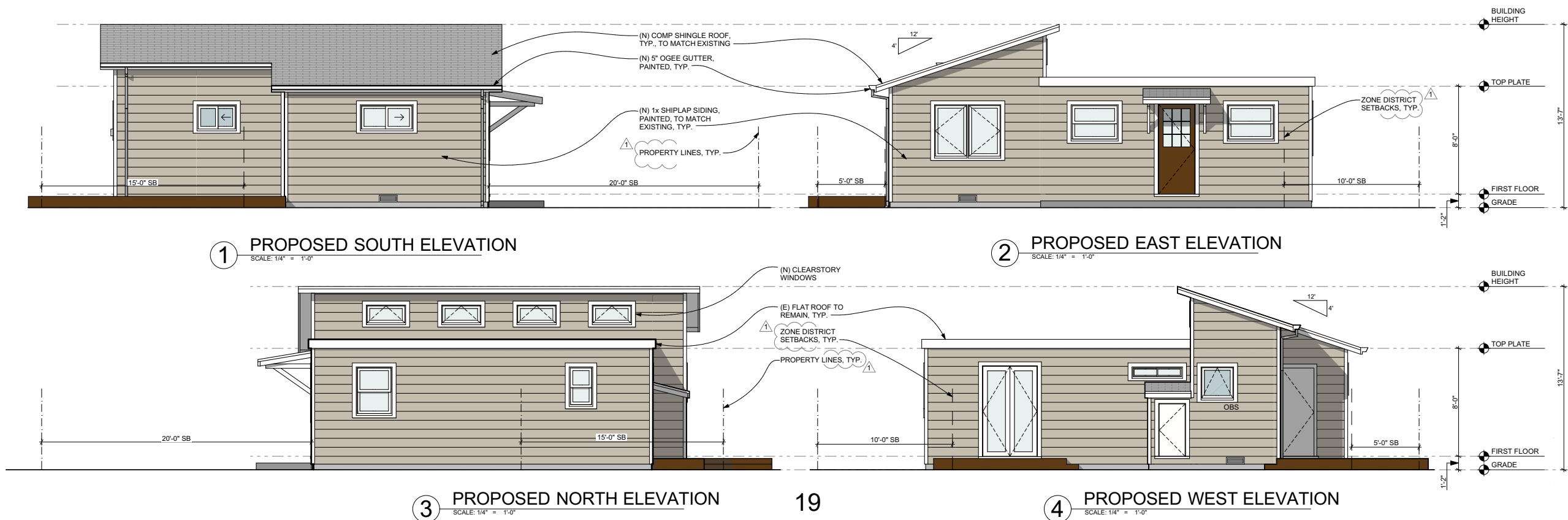
DATE
8/14/2023

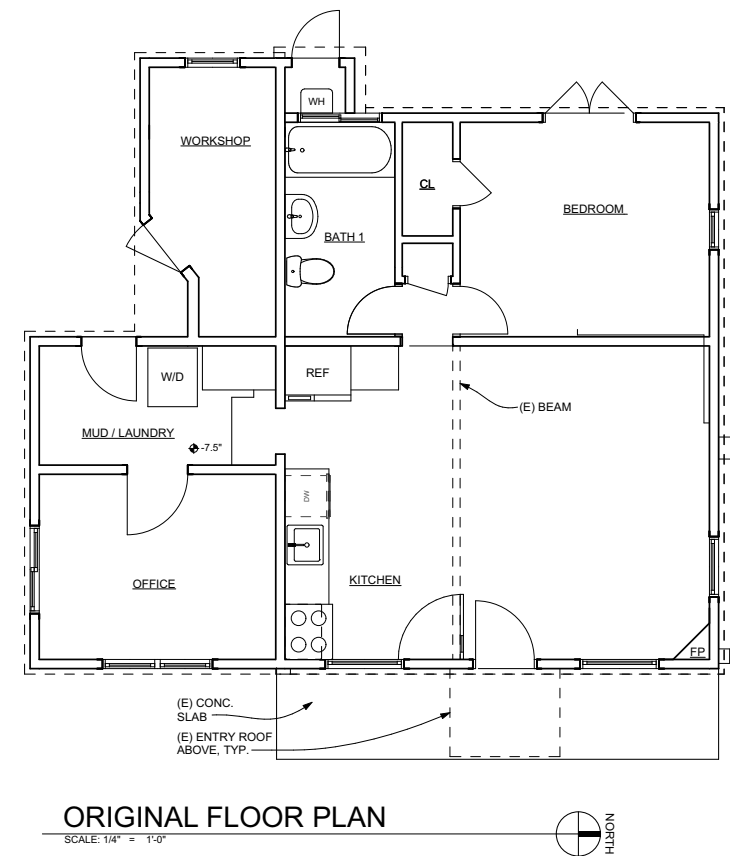
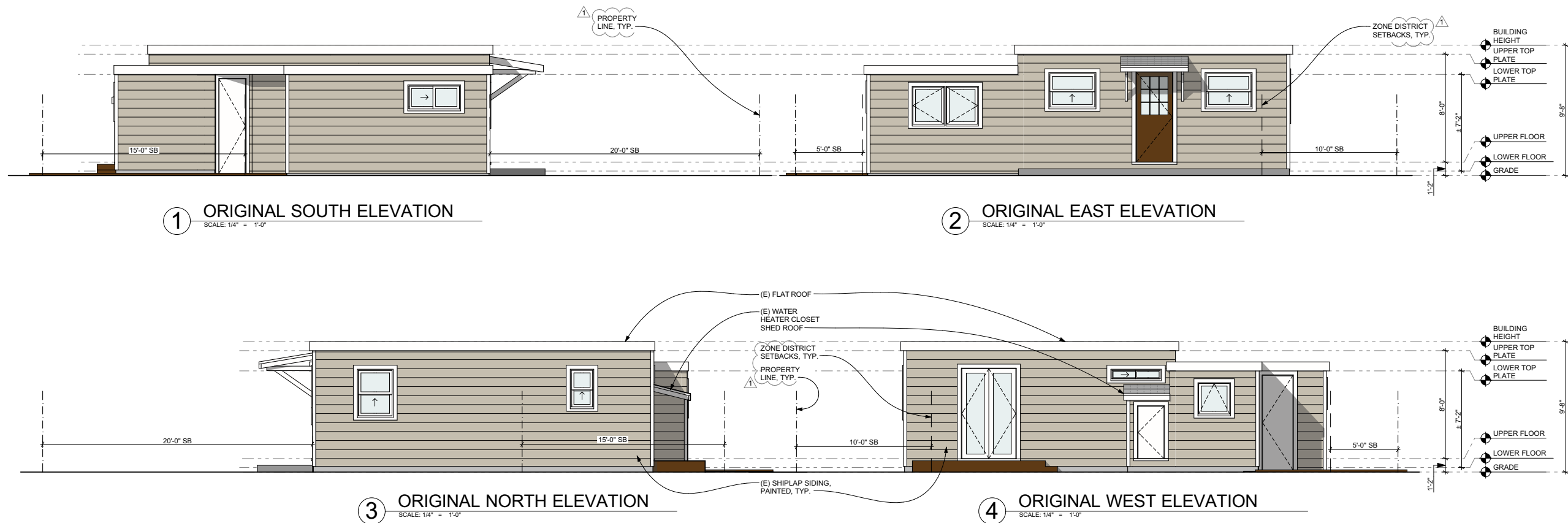
JOB
2127

REVISIONS
ZONING COMMENTS
07/27/2023

SHEET
A1

EXHIBIT D





WILLIAM BAGNALL ARCHITECTS INC. ARCHITECTURE & PLANNING 125 Mission Street, Santa Cruz, California (831) 426-4977		EXHIBIT D
REMODEL 437 ANCHORAGE AVE SANTA CRUZ, CA		
ORIGINAL FLOOR PLAN & ELEVATIONS		
DATE	8/14/2023	
JOB	2127	
REVISIONS	ZONING COMMENTS 07/27/2023	
SHEET	A3	

FOR TAX PURPOSES ONLY

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RANCHO ARROYO DEL RODEO
POR. SEC. 21, T.11S., R.1W., M.D.B. & M.

Tax Area Code
82-040

28-29

Bk.32
07

TR. 704 30th AVE. ESTATES
64MB23 1/20/77

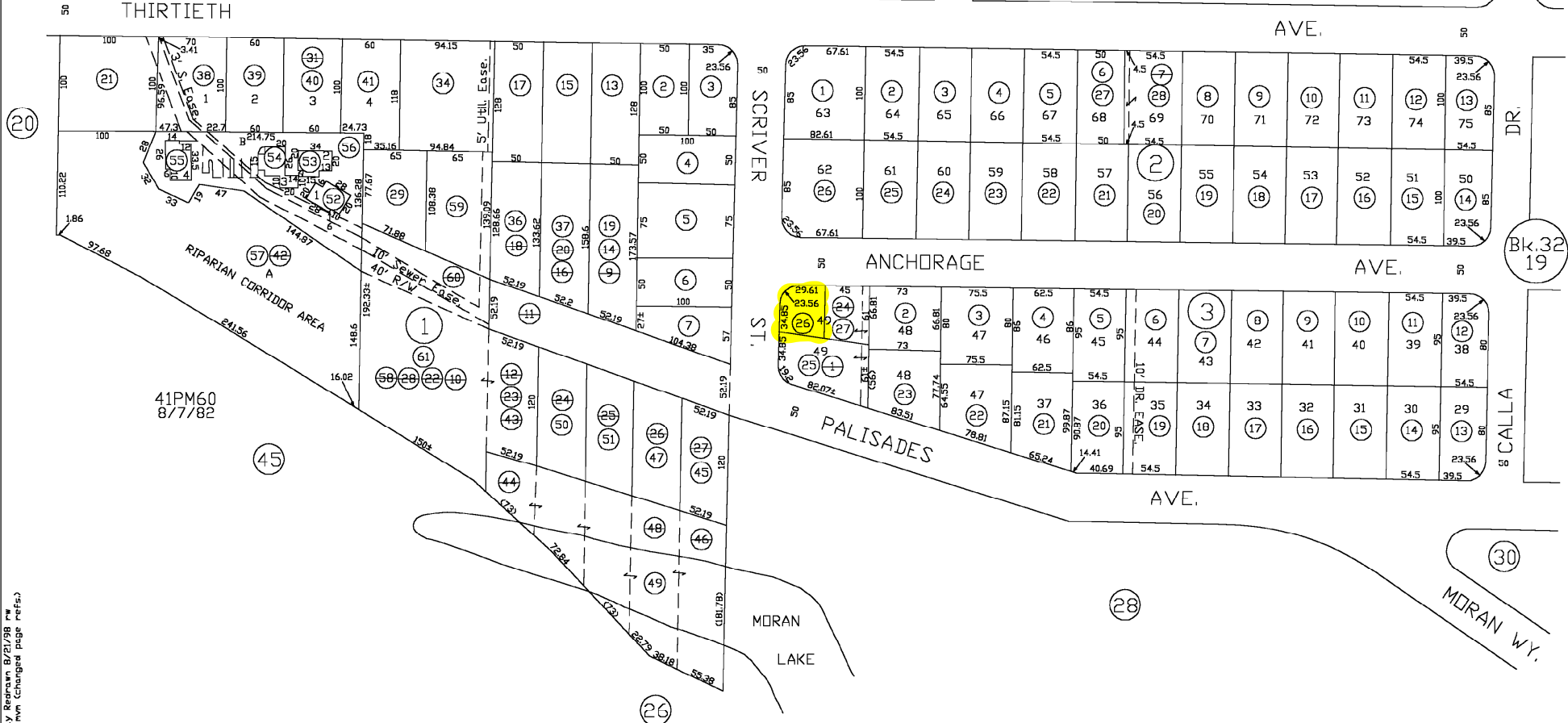
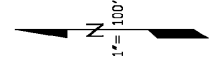
Bk.32
11

Bk.32
13

HAWES
DR.

TR. NO. 6 SUB. NO. 1
MORAN LAKE PARK
26MB6 6/20/36

Bk.32
20



41PM60
8/7/82



Note - Assessor's Parcel & Block
Numbers Shown in Circles.

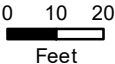
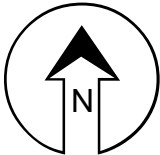


Parcel Location Map



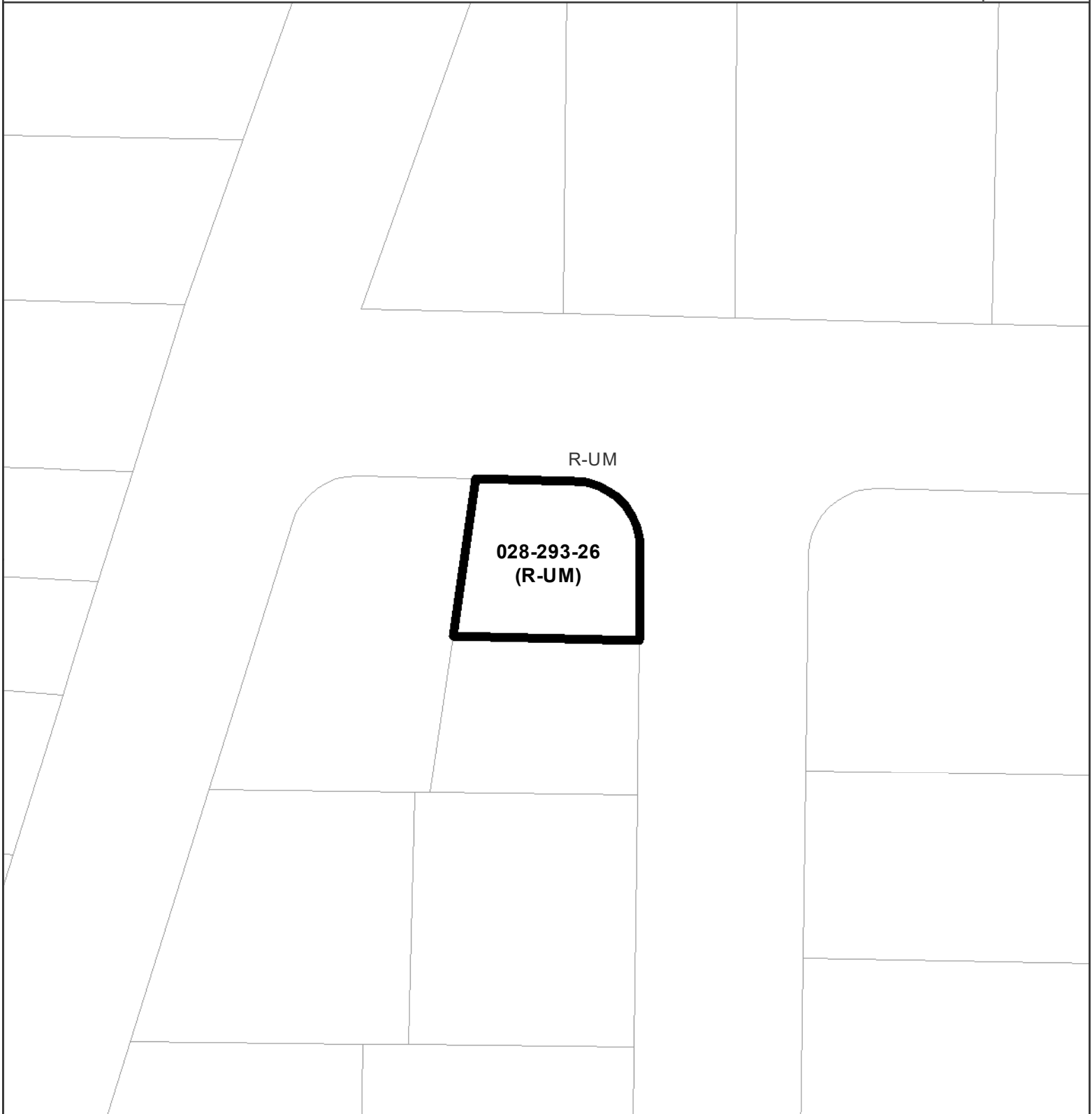
Parcel: 02829326

-  Study Parcel
-  Assessor Parcel Boundary

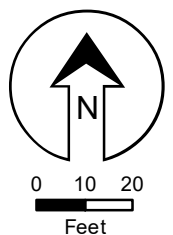




Parcel General Plan Map

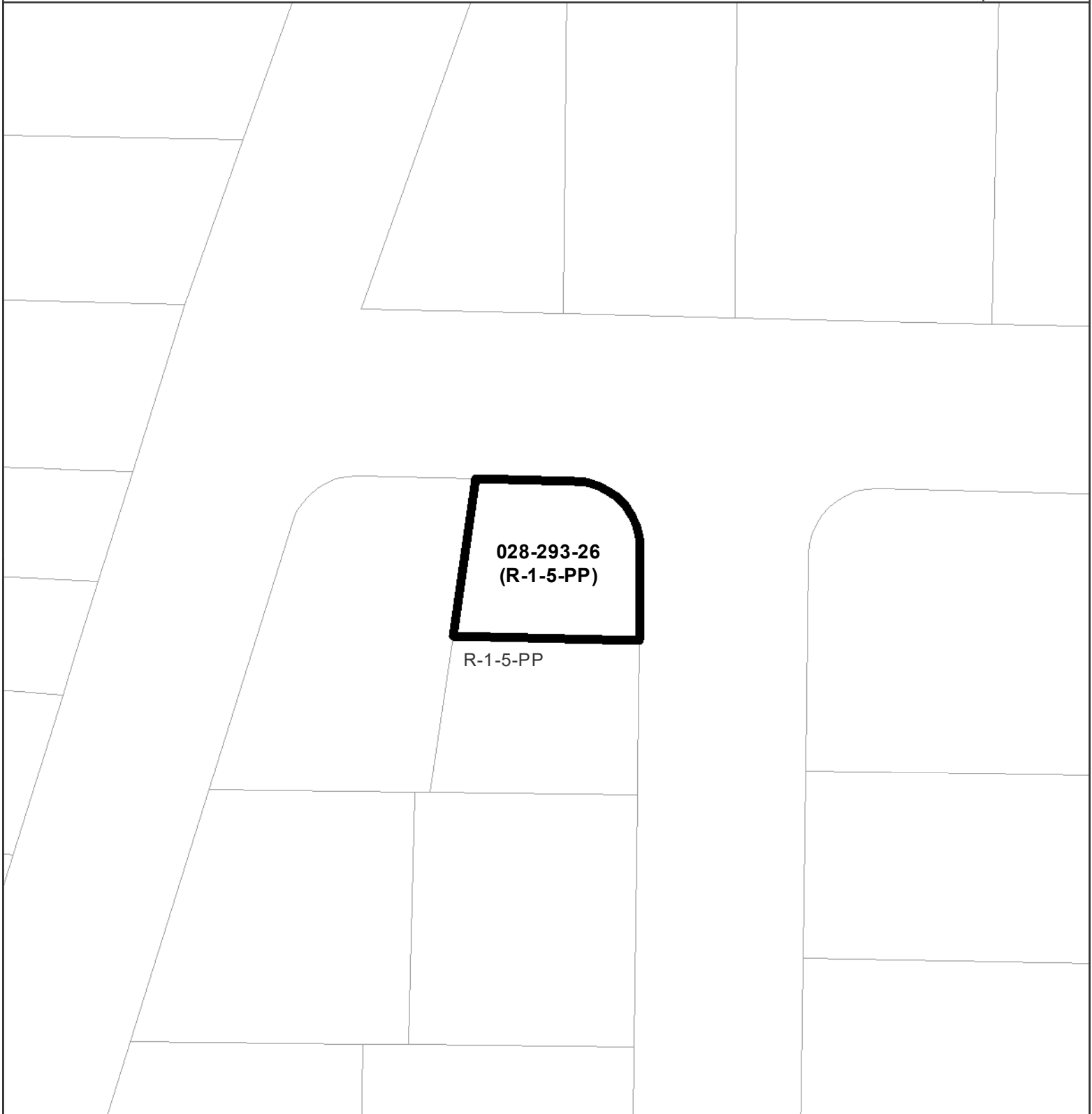


☐ R-UM *Res. Urban Medium Density*

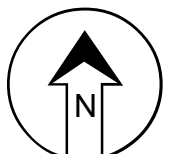




Parcel Zoning Map



☐ R-1 *Single-Family Residential*



0 10 20
Feet

Parcel Information

Services Information

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

Parcel Information

Parcel Size: 2,297 square feet
Existing Land Use - Parcel: R-1-5-PP
Existing Land Use - Surrounding: R-1-5-PP
Project Access: Anchorage Avenue
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: R-1-5-PP (Single-Family Residential 5,000 square foot minimum parcel size and Pleasure Point Combining District)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Technical Reviews: NA

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
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
Archeology: Not mapped/no physical evidence on site

Kevin Kearney Public Comment Email Thread

From: Alexandra Corvello
Sent: Wednesday, September 20, 2023 3:51 PM
To: Kevin Kearney
Subject: RE: Application #231273 Variance Request

Hi Kevin,
Thank you for your public comment, it will be included in the materials provided to the Zoning Administrator before the 10/20 public hearing.

After speaking with my supervisor about the 15 foot first story code limitation (County Code 13.10.446(A)(1)(d)), I wanted to clarify that the 15 foot limitation is in reference to Figure 13.10.446-2. This figure only addresses the side yard setback reductions and not the other setback areas for which the structure is shown to be able to be built up to a maximum 28 feet. Please note the currently proposed structure is under 15 feet in the side yard setback areas for both zone district and Pleasure Point district standards.

This does not change that the proposed height increase is located within the rear yard setback and therefore the applicant is requesting a Variance to allow that encroachment.

Best,
Alexandra

Alexandra Corvello
Development Review Planner
Community Development & Infrastructure
D: (831) 454-3209
701 Ocean Street, Room 410, Santa Cruz, CA 95060

From: Kevin Kearney <kdkearney2@gmail.com>
Sent: Wednesday, September 20, 2023 1:42 PM
To: Alexandra Corvello <Alexandra.Corvello@santacruzcountyca.gov>
Subject: Application #231273 Variance Request

****CAUTION:This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Re: Application #231273 Variance Request
Parcel # 028-293-26

Hello Ms. Corvello,

As I mentioned during our phone conversation yesterday, my wife Beverly and I own the parcel directly to the rear of the project on 437 Anchorage. The notice of a request for variances recently posted at the front of the property raised significant concerns.

Some years ago, the County, with input from residents, developed special residential design standards for the Pleasure Point neighborhood. One of the purposes of the design standards detailed in ordinance 5063--and the first of three listed in the ordinance--was to "Reduce the visual and shading impacts of new and expanded houses on neighboring parcels and houses." From our perspective, the design of the 437 Anchorage structure meets neither the spirit nor the letter of the Pleasure Point design standards. Specifically:

* Although it is technically a one-story structure, it is nearly twice the height of most one-story structures in Pleasure Point. The seventeen-feet nine-inch height of one of the rear walls facing our side yard is 18% higher than the fifteen feet that the building code allows. From the perspective of our side yard deck, which is slightly downslope from the construction, the height of the structure appears even greater and seems to loom even larger (see attached photo; for reference, the height of the fence shown is 6 feet).

* Because the structure is being built on the non-conforming footprint of the previous structure, one of the rear walls is 7.5 feet from our property line. This short setback also magnifies the structure's visual impact.

* Additionally, we see that the outsized porch roof (which, like the rest of the house has already been framed in) is even more significantly nonconforming, extending to within 2 feet 4 inches of our property line, as opposed to the 9 feet that is required by code. We want to be on good terms with our new neighbor, and don't want to be unreasonable. Despite our disappointment that County code was not followed, we recognize that modifying the wall height (which would require significant re-work) would be difficult and expensive. Instead, we would like to suggest two actions that the owner of the property can take to mitigate the visual impact of the structure:

* The construction of an 8-foot privacy fence between our two properties to replace the 6-foot fence that we had built two years ago when the 437 Anchorage house was a one-story flat roof structure.

* A meaningful reduction in size of the porch roof that juts out very close to our property line.

Please take our input into consideration as you make your staff recommendation on this matter to the Planning Commission.

Thank you,

Kevin and Beverly Kearney
420 Palisades Ave.
Santa Cruz, CA 95062