



Staff Report to the Zoning Administrator

Application Number: **04-0179**

Applicant: Peter Smithey
Owner: Kenneth and Jean Smith
APN: 042-121-31

Date: September 17, 2004
Agenda Item #: 6
Time: after 10:00 a.m.

Project Description: Proposal to demolish and reconstruct a single family dwelling on a site with an existing guest house.

Location: 228 Moosehead Drive, Aptos

Permits Required Amendment to Coastal Development Permit (02-0386) and, Variance (to allow two parking spaces where three are required)

Staff Recommendation:

- Approval of Application 04-0179, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|---------------------------|
| A. | Project plans | E. | Assessor's parcel map |
| B. | Findings | F. | Zoning map |
| C. | Conditions | G. | Comments & Correspondence |
| D. | Categorical Exemption (CEQA determination) | | |

Parcel Information

Parcel Size: 3,325 sq. ft.
Existing Land Use - Parcel: residential
Existing Land Use - Surrounding: residential
Project Access: Moosehead Drive
Planning Area: Rio Del Mar
Land Use Designation: RUH (Residential Urban High Density)
Zone District: R-1-3.5 (3,500 sq. ft. min. parcel size)
Supervisory District: District 2 (District Supervisor: Ellen Pirie)
Within Coastal Zone: ☒ Inside ☐ Outside
Appealable to CCC: ☒ Yes ☐ No

Environmental Information

Geologic Hazards:	Mapped / Floodway (see report)
Soils:	129
Fire Hazard	Not a mapped constraint
Slopes:	Flat site
Env. Sen. Habitat:	Mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Floodplain / Floodway (see report)
Traffic:	No increase
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archeology:	Mapped / disturbed site

Services Information

Inside Urban/Rural Services	<u>X</u> Yes	___ No
Line:		
Water Supply:	Soquel Creek Water District	
Sewage Disposal:	Santa Cruz County Sanitation District	
Fire District:	Aptos/La Selva Fire Protection District	
Drainage District:	District 6	

History

A previous application (02-0386) was approved to add a second floor to the existing residence on the front portion of this site. The applicant was required to not remove the existing wall framing as part of the approval. A Stop Work notice was placed on the construction when an inspector found that some of the walls were removed. The applicants then decided to resubmit with the intent of rebuilding the entire structure. This application was submitted on April 26, 2004 and deemed complete on July 12, 2004.

Project Setting

The proposed residence is located on Moosehead Drive, which is located adjacent to Aptos Creek in the Rio Del Mar neighborhood.

Zoning & General Plan Consistency

The subject property is a 3,325 square foot lot, located in the R-1-3.5 (3,500 sq. ft. min. parcel size) zone district, a designation that allows residential uses. The proposed Single Family Residence is a principal permitted use within the zone district and the project is consistent with the site's (RUH) Residential Urban High Density General Plan designation.

SITE DEVELOPMENT STANDARDS TABLE

	R-1 5 Standards	Proposed Standard
Front yard setback:	20 feet	20'-0"
Side yard setbacks:	5 feet	5'-0"
Rear yard setback:	15 feet	41'-0"
Lot Coverage:	40 % maximum	39.78 %
Building Height:	28 feet maximum	26'-1"
Floor Area Ratio (F.A.R.):	0.5:1 maximum	.4977
Parking	2 bedrooms – (one in residence, one in guest house) 3 (18' x 8.5')	two exterior (<i>non-conforming</i>)

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 widely in the area, and the design submitted is not inconsistent with the existing range. 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.

Floodway, Floodplain Issues

This parcel is located in the Floodway and Floodplain of Aptos Creek. Environmental Planning staff has reviewed the application and have required the following:

- a. the new structure shall not increase the area of impervious surface on the site.
- b. the new structure must be elevated one foot above the flood line.
- c. there must be vents in the elevated crawl space which will release the flood water.

The structure itself has been designed to be the same area as the previous single family dwelling. In order to keep the impervious surface the same as the previous developed area, the applicant is proposing to use turf block for the parking area in the front of the new residence. The plans show the first floor of the new residence to be one foot above the flood line (a flood survey has been submitted) and the elevations show the required vents of the crawl space designed to release the flood waters.

A declaration of geologic hazards will be required to be recorded on the subject property to acknowledge the location of the improvements within the floodway of Aptos Creek.

Guest House

The conversion of the garage to a guest house on the subject property was originally approved by Use Permit 3780-U. Modifications have been made to the guest house since the original approval which will be addressed by the recommended conditions of approval of this permit. A kitchen has been added and an interior partition wall has been installed. Both of these improvements will be required to be removed and a declaration of restriction to maintain the guest house as a habitable accessory structure will be required,

Variance

The subject parcel is 35 ft. wide. If three cars were side by side in the front setback, the area for parking would be greater than 50% of the area. The proposal is for a one-bedroom residence with an existing one-bedroom guest house (with no cooking facilities, as conditioned). Parking demand can be expected to be two cars (one for each bedroom). Within the narrow lot and the configuration of the replacement dwelling, there is not enough width for three cars. Most of the residences in this neighborhood have one-car garages and driveways (if there is on-site parking at all).

Staff believes that the findings can be made for a variance based on size of parcel and that this would not be a grant of special privilege.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located with the Urban Services line, will be served by existing water and sewer utilities, and the project is a replacement dwelling for an existing residence which will not increase the footprint and will follow FEMA guidelines for floodway construction.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- **APPROVAL** of Application Number **04-0179**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned R-1-3.5 (3,500 sq. ft. minimum), a designation that allows residential uses. The proposed Single Family Residence is a principal permitted use within the zone district, consistent with the site's (RUH) Residential Urban High Density. 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 the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 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 shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

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

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the **R-1-3.5 (3,500 sq. ft. minimum lot area)** zone district of the area, as well as the General Plan and Local **Coastal** Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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 and while the site encumbered by physical constraints to development (floodway), the building is a replacement structure and the owner will file a Statement of Acknowledgement that the construction is within a know Geologic Hazard area. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed Single Family Residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

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 (3,500 sq. ft. minimum lot size) zone district in that the primary use of the property will be one Single Family Residence and a guest house that meets all current site standards for the zone district.

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

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

The proposed Single Family Residence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the Single Family Residence will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed Single Family Residence will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed Single Family Residence will comply with the site standards **for** the **R-1-3.5** zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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 Single Family Residence is to be constructed on an existing developed lot.

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.

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. This is an unusually narrow lot (35 ft.), which would make it difficult to locate minimally sized parking spaces side by side ($3 \times 8.5 = 25.5$ ft., which would be over fifty percent of the width of the lot).

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

This finding can be made. Insuring a minimum of two on-site parking spaces is an acceptable solution in this neighborhood.

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

This finding can be made. This variance is not a grant of special privileges, since the other properties in the vicinity and zone have the same **or** less number of on-site parking spaces.

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.

Conditions of Approval.

Exhibit A architectural drawings prepared by Peter Smithey, dated April 26, 2004 and revised June 16, 2004.

- I. This permit authorizes the construction of a Single Family Residence. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if required.
 - D. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. 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 "A" on file with the Planning Department. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans
 3. Details showing compliance with fire department requirements.
 4. The architectural design should show the lower window at the front elevation to be directly below the upper window, and the trim band around the building should be lowered to the level where the lower floor joists occur.
 - C. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.

- D. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - E. Provide required off-street parking for two (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.
 - F. 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.
 - G. Complete and record a Declaration of Restriction to maintain a Habitable Accessory Structure (Guest House). **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
 - H. Complete and record a Statement of Acknowledgement of construction in an area of known Geologic Hazards. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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 16.42.100 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 16.42.100, 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.

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 **two** years from the effective date unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Lawrence Kasparowitz
Project Planner

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.

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: 04-0179
Assessor Parcel Number: 042-121-31
Project Location: 228 Moosehead Drive

Project Description: Proposal to demolish and reconstruct a single family dwelling on a site with an existing guest house.

Person Proposing Project: Peter Smithey

Contact Phone Number: (831) 688-3460

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. _____ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

- E. X Categorical Exemption

Specify type: New Construction of Small Structures (Section 15303)

- F. Reasons why the project is exempt:

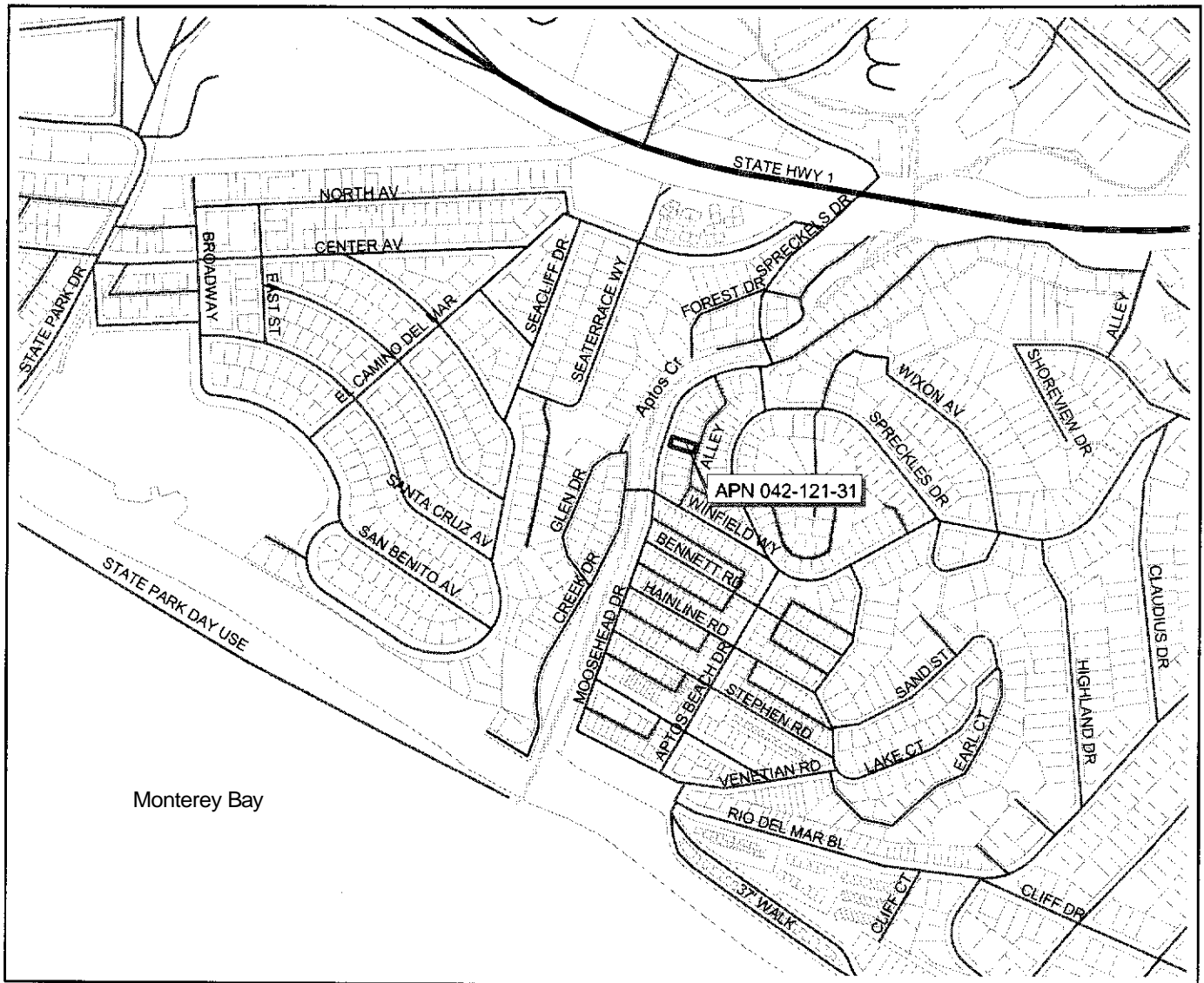
Reconstruction of an existing residence.

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

Lawrence Kasparowitz, Project Planner

Date: _____

Location Map

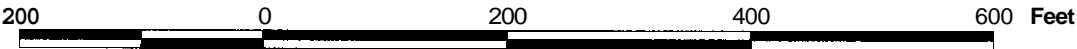
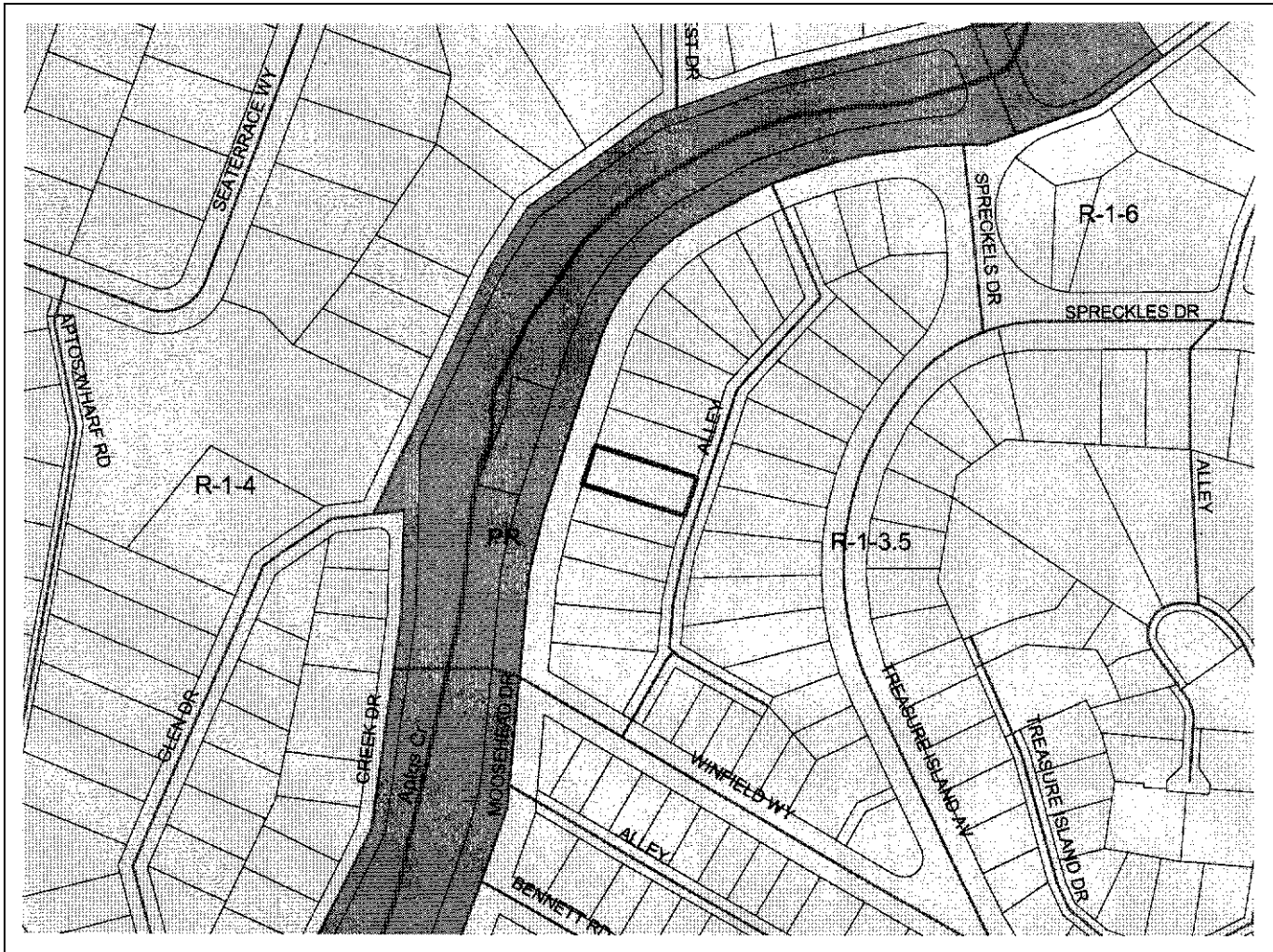


0.25 0 0.25 0.5 Miles

Map created by Santa Cruz County
Planning Department:
April 2004



Zoning Map



Legend

	APN 042-121-31
	Streets
	Perennial Stream
	R-1-X
	PR



Map created by Santa Cruz County
Planning Department:
April 2004

General Plan Map



200 0 200 400 600 Feet

Legend

- APN 042-121-31
- Streets
- Perennial Stream
- Parks and Recreation
- Residential - Urban High Density
- Residential - Urban Medium Density



Map created by Santa Cruz County
Planning Department:
April 2004

ELEVATION CERTIFICATE

SECTION A - PROPERTY OWNER INFORMATION

For Insurance Company Use

Kenneth Smith

BUILDING STREET ADDRESS (Including Apt. Unit Suite and/or Bldg. No.) OR P.O. ROUTE AND BOX NO.
228 Moosehead Drive

Company NAIC Number

CITY
AptosSTATE
CAZIP CODE
95003

PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

APN: 042 121-31

BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.)
ResidentialLATITUDE/LONGITUDE (OPTIONAL)
(##° ##' -###" a ###.####")HORIZONTAL DATUM:
☐ NAD 1927 ☐ NAD 1983SOURCE: ☐ GPS (Type):
☐ USGS Quad Map ☐ Other:

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. FIRM COMMUNITY NAME & COMMUNITY NUMBER
Unincorporated 060353B2. COUNTY NAME
Santa CruzB3. STATE
CaliforniaB4. MAP AND PANEL
NUMBER
0360B5. SUFFIX
BB6. FIRM INDEX DATE
8-16-74B7. FIRM PANEL
EFFECTIVE/REVISED DATE
4-15-86B8. FLOOD ZONE(S)
A8B9. BASE FLOOD ELEVATION(S)
(Zone AO, use depth of flooding)
17.5

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.

☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other (Describe):B11. Indicate the elevation datum used for the BFE in B9: ☒ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe):B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

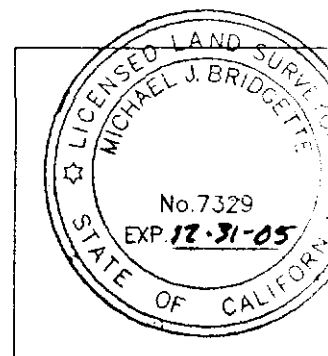
C2. Building Diagram Number 8 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO

Complete items C3-a-h below according to the building diagram specified in item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum NGVD29 Conversion/Comments N/AElevation reference mark used BM #35 Does the elevation reference mark used appear on the FIRM? ☐ Yes ☒ No

- ☐ a) Top of bottom floor (including basement or enclosure) 15. 1 ft. (m)
- ☐ b) Top of next higher floor N/A. ft. (m)
- ☐ c) Bottom of lowest horizontal structural member (V zones only) N/A. ft. (m)
- ☐ d) Attached garage (top of slab) N/A. ft. (m)
- ☐ e) Lowest elevation of machinery and/or equipment servicing the building (Describe in a Comments area) 15. 4 ft. (m)
- ☐ f) Lowest adjacent (finished) grade (LAG) 13. 1 ft. (m)
- ☐ g) Highest adjacent (finished) grade (HAG) 14. 0 ft. (m)
- ☐ h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade 1
- ☐ i) Total area of all permanent openings (flood vents) in C3.h 70 sq. in. (sq. mm)

License Number, Embossed Seal,
Signature, and Date

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.

I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. Section 1001.

CERTIFIER'S NAME Michael J. Bridgette

LICENSE NUMBER LS. 7329

TITLE Professional Land Surveyor

COMPANY NAME Bridgette Land Surveying

ADDRESS
64-B Penny LaneCITY
WatsonvilleSTATE
CAZIP CODE
95076

SIGNATURE

DATE
8-2-03TELEPHONE
831-722-5800

CYPRESS ENVIRONMENTAL AND LAND USE PLANNING

P.O. BOX 1844

APTOS CALIFORNIA

Email: kimt@cypressenv.com

April 22, 2004

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

SUBJECT: AMENDMENT OF COASTAL ZONE PERMIT 02-0386; APN 42-121-31

Dear Randall,

INTRODUCTION

Kenneth Smith is submitting an application to amend Coastal Zone Permit 02-0386, a permit that was approved for their property at 228 Moosehead Drive in Rio Del Mar on March 7, 2003. The purpose of the amendment is to allow additional reconstruction of the dwelling in addition to the currently permitted construction of a second story to the dwelling on the parcel. **As** you know, construction at the Smith parcel terminated in December 2003 when a Stop Work Order was issued by County Planning for construction occurring beyond the scope of Permit 02-0386. This additional construction work was a result of new observations made during initial construction work regarding the structural condition of the existing dwelling. It was not until December 2003 that it became known that the structural framing of the existing one-story dwelling had become severely deteriorated by termites and water damage to such a degree that building a second story on this damaged framing would have been unwise from a construction standpoint. It was at this point that the first story walls were removed followed by issuance of the County's Stop Work Notice. The following paragraphs discuss important issues pertaining to the current application for this project, including a request for a Variance to the requirements of Code Section 13.10.554(d).

FLOOD PLAIN/FLOODWAY ELEVATION

A flood elevation certificate was prepared for this parcel by Michael Bridgette, land surveyor, on August 2, 2003. It is attached and shows the flood elevation at this location to be 17.5 feet NGVD. The property owners had the elevation of the parcel surveyed in January 2004 by Mid-Coast Engineers who determined that the level parcel is elevated at 14.07 feet NGVD. The preliminary construction plans submitted with the application materials therefore show that the new first story construction will include floodproofing to 18.5 feet NVGD as required by FEMA regulations and County Code Chapter 16.10. The floor of the first story will be elevated above 18.5 feet. Mid-Coast Engineers will inspect the site during the floor framing stage to determine that framing construction conforms to the elevation requirements discussed above.

Environmental Planning and Analysis, Land Use Consulting and Permitting

GUEST HOUSE

Both a dwelling and a guest house were located on the parcel when Permit 02-0386 as approved last year. As you know, permit conditions require the non-permitted kitchen facilities to be completely removed from the guest house prior to final inspection and occupancy of the dwelling. The owner is aware of his obligations regarding this permit condition and plans to remove the kitchen facilities before final inspection of the future reconstruction of the main dwelling. Currently, the guest house is the **only** structure that remains on the parcel. It contains one bedroom.

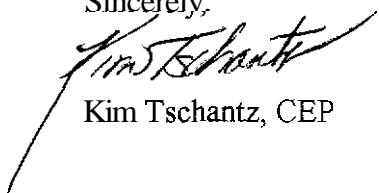
OFF-STREET PARKING AND VARIANCE REQUEST

The reconstruction of the dwelling **will** include one bedroom. Therefore the total number of bedrooms in the dwelling and guest house combined will be two bedrooms. This is consistent with what was approved by Permit 02-0386. The number of off-street parking spaces required by County Code Section 13.10.552 for the total bedrooms on a parcel is 3 parking spaces. The site area of the parcel, which is limited to 3,332 square feet, makes it challenging to provide 3 spaces and **to also** meet all other **zoning** requirements. If 3 spaces are provided on-site, over 50% of the front yard setback **will** be occupied by surfaced parking spaces. Therefore, the application to amend Permit 02-0386 includes a Variance request to Code Section 13.10.554(d) to allow more than 50% of the front yard setback for parking.

We believe the limited spatial area and width of the parcel justify granting a Variance to Section 13.10.554(d). In addition, the provision of adequate off-street parking in the "Rio flats" neighborhood provides a greater benefit to the area than limiting the amount of surfacing within front yard setback. The attached recommended findings further explain why this type of Variance is justified for this parcel. To balance the needs for off-street parking and the objective of Section 13.10.554(d), the owners propose to construct two parking spaces with concrete and construct the northern parking space with **turf** block.

Please let me know if I can provide you with additional information, by e-mail me or by calling me at (831) 685-1007.

Sincerely,



Kim Tschantz, CEP

Attachments: 2