



Staff Report to the Zoning Administrator

Application Number: **04-0183**

Applicant: Jim Weaver
Owner: Leonard Moffitt
APN: 032-212-05

Agenda Date: February 4, 2005
Agenda Item#: **5**
Time: After 10:00 a.m.

Project Description: Proposal to recognize exterior changes to an existing significantly non-conforming single-family dwelling.

Location: Property located on the west side of 34th Ave. about 500 feet north of East Cliff Dr. in the Pleasure Point neighborhood of Live Oak (211 34th Ave.).

Supervisory District: 1st District (District Supervisor: Janet K. Beautz)

Permits Required: Residential Development Permit, Variance, and Amendment to Coastal Development Permit 01-0388.

Staff Recommendation:

- Approval of Application 04-0183, based on the attached findings.
- 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 | |
| D. Categorical Exemption / CEQA | |

Parcel Information

Parcel Size:	2,500 square feet
Existing Land Use - Parcel:	2 single-family dwellings (pre-1956)
Existing Land Use - Surrounding:	Single-family dwellings
Project Access:	33 rd and 34 th Ave.
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-4 (Single-family residential, 4,000 square foot)

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

minimum lot size)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Watsonville Loam (Soils Index No. 128)
Fire Hazard: Not a mapped constraint
Slopes: Site is flat
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: No impact to traffic
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5 Flood Control, Water Conservation District

History

The site is developed with two single-family dwellings of 586 square feet (Unit 1) and 575 square feet (Unit 2). Unit 1 was constructed in 1948 along with a garage facing 33rd Avenue, which was subsequently converted into a dwelling unit with a carport (Unit 2). According to Assessor's Records, between 1958 and 1961 the carport attached to Unit 2 was converted to living space without the benefit of a permit, removing one parking space.

On March 15, 2002 the Zoning Administrator approved a Coastal Development Permit to demolish both residences on parcel 032-212-05 and construct a new single-family dwelling in conjunction with a new dwelling on the adjacent parcel (APN 032-212-04). The approved permit would have rectified the existing non-conforming situation by demolishing the existing dwellings and constructing a new dwelling that would meet all R-1-4 zone district site standards and would provide all required parking on site.

Project Setting

The project site is located within the Pleasure Point neighborhood of Live Oak, a coastal neighborhood characterized by small lots and small single-family dwellings, many less than

1,000square feet. The *two* existing cottages are typical of vacation homes constructed in the neighborhood before 1956, in that current setbacks are not met and inadequate parking is provided on site due to the substandard size and width of the lots.

Zoning Standards & General Plan Consistency

The subject property is substandard for the R-1-4 zone district, with a lot size of 2,500 square feet compared to the 4,000 square foot minimum required for the zone district. Both units are non-conforming structures due to setbacks and lot coverage, with Unit I being significantly non-conforming with a front yard setback of less than 5 feet from the 34th Avenue right-of-way, as detailed in the following table:

Site Standards	R-1-4 Zone District Standards	Unit 1 (34th Ave.)	Unit 2 (33rd Ave.)
Front yard setbacks*	15'	2'-3"	13'-7"
Side yard setbacks	5' and 5'	3" & 4'-1"	2'-5" & 4'-6"
Maximum height	28'	10'	About 10'
Maximum % lot coverage	40%	46.4%	
Maximum % F.A.R.	50%	46.4%	

* Site is a double frontage lot between 33rd and 34th Avenues.

Under current parking standards in Section 13.10.552 of the County Code, four parking spaces would be required for *two* one-bedroom single-family dwellings. However, as both dwellings were constructed prior to the adoption of Chapter 13.10 of the County Code, they are non-conforming with regards to parking regulations. Between 1958 and 1961, a carport on Unit 2 was converted into living space without the benefit of a permit, reducing the number of off-street parking spaces to one. To restore the original number of parking spaces, the owner proposes to demolish a portion of Unit 2 and reconstruct a carport in approximately the same location as the original carport in the pre-1958 structure and maintain Unit 2 as a one bedroom studio.

The existing density of the site exceeds the density range of 7.3 to 10.8 units per acre for the General Plan designation of Urban Medium Density Residential (R-UM), a pre-existing condition.

Nonconforming Use Issues

The second single-family dwelling (Unit 2) is a non-conforming use with regards to Section 13.10.261(d) of the County's nonconforming use regulations, and specific findings must be made to justify retention of this unit (see Nonconforming Use Findings, below). The re-construction of Unit 2 to provide a carport will not be detrimental to the health, safety, or welfare of the neighborhood as the carport will be required to meet all applicable codes. Though not optimal, retaining the structure will not be detrimental to neighboring properties or improvements in the vicinity as the nonconforming portions of the structure will not be expanded and one additional parking space will be provided. The surrounding neighborhood contains many sub-standard lots with multiple units, so the retention of Unit 2 as a small studio unit will be compatible with the surrounding neighborhood in terms of existing land use patterns and densities. As the lot size is

sub-standard, the unit cannot be considered a second unit.

This permit will not approve any additional structural work to Unit 2 beyond that necessary to reconstruct the carport. Any additional structural work conducted within five years of the effective date of this permit will require a new Variance, and any exterior structural work to the non-conforming portions of the structure after the conclusion of this five year period must not exceed 50% of the total linear length of the walls absent a Variance approval.

Nonconforming Structure and Variance Issues

The un-permitted alterations to the exterior walls of Unit 1 and the proposed reconstruction of a carport for Unit 2 both require variances, as both alterations will be in excess of 50% of the total linear length of the non-conforming walls. Unit 1 is a significantly non-conforming structure under Section 13.10.265(k) as it is located within 5 feet of the edge of the right-of-way for 34th Avenue. Furthermore, the conversion of a bedroom on Unit 2 back into a carport requires a variance to the side yard setback due to structural alterations in excess of 50% to the non-conforming northern wall. Granting approval of a Variance for both units can be justified as the parcel is of a sub-standard size and width for the R-1-4 zone district, no expansion of building footprints is proposed, and the conversion of the bedroom in Unit 2 back into a carport will provide one additional parking space on a site where only one off-street parking space currently exists.

Staff Recommendation

- e **APPROVAL** of Application Number **04-0183**, 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.

One single-family dwelling is a principal permitted use within the R-4 zone district. The second single-family dwelling (Unit 2) on site is a non-conforming use but pre-dates the adoption of Chapter 13.10 of the County code.

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 easements or special development restrictions exist on the property.

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 project 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 existing structures are visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-4 (Single-family residential, 4,000 square foot minimum lot size) 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, many of a similar size to the cottages on the subject parcel.

Non-Conforming Use Findings

According to Section 13.10.261(d)(4) of the County's Nonconforming Use regulations, an application to reconstruct a nonconforming dwelling unit or units shall be denied if the Approving Body makes one or more of the following findings:

1. That the re-construction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

Retention of two single-family dwelling on site will not be detrimental to the health, safety, or general welfare of persons in the neighborhood in that the non-conforming structures maintain more than 5 feet separation from structures on neighboring parcels, the original number of parking spaces on site will be restored, and the re-modeling and re-construction will upgrade the exterior of the dwellings. Despite being located only 2 feet, 3 inches from the edge of the 34th Avenue right-of-way, the significantly non-conforming structure (Unit 1) is located more than 10 feet from the edge of the paved road and therefore does not degrade visibility of vehicles on the traveled roadway.

2. That the existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.

Retention of two dwellings on site conforms to the density of the neighborhood, as other properties within the neighborhood contain two dwelling units on substandard parcels. The size of both units (575 square feet for Unit 1 and 447 square feet for the modified Unit 2) is such that the intensity of use on site is similar to neighboring parcels that contain only one single-family dwelling, as both units combined only contain two bedrooms.

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 retention of the two single-family dwellings on site with the proposed modifications will not be detrimental to the health, safety, or general welfare of persons in the neighborhood in that the non-conforming structures maintain more than 5 feet separation from structures on neighboring parcels, the original number of parking spaces on site will be restored, and the re-modeling and re-construction will upgrade the exterior of the dwellings. Despite being located only 2 feet, 3 inches from the edge of the 34th Avenue right-of-way, the significantly non-conforming structure (Unit 1) is located more than 10 feet from the edge of the paved road and therefore does not degrade visibility of vehicles on the traveled roadway.

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, as both structures are non-conforming structures that pre-date the adoption of Chapter 13.10 of the County Code (the County's Zoning Ordinance). Variances have been applied for to address improvements in excess of 50% to both structures (the upgrading Unit 1 and the re-construction of Unit 2 to provide a car-port originally converted to living space without permits), for which findings have been made (see Variance Findings, below). Although the retention of a second single-family dwelling on site is a non-conforming use, findings to mandate the removal of this unit cannot be made as it conforms to the intensity of use in the neighborhood and one additional off-street parking space will be restored to the site.

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.

The existing density of the site exceeds the density range of 7.3 to 10.8 units per acre for the General Plan designation of Urban Medium Density Residential (R-UM), a condition that pre-dates the adoption of a County General Plan. The surrounding neighborhood exceeds this density range due to sub-standard lots and development prior to the adoption of land use regulations in 1956.

The retention of both dwellings conforms with General Plan Policy 8.4.2 (Retaining Existing Housing) as neither structure is detrimental to the health, safety, or welfare of the surrounding neighborhood and the neither structure will be expanded.

A specific plan has not been adopted for the Pleasure Point neighborhood.

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.

The project will not generate additional demand for utilities or traffic as both units are pre-existing.

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 both structures are of a similar size to other beach cottages in the Pleasure Point neighborhood. Many of these beach cottages were constructed in the 1930's and 1940's on sub-standard lots, resulting in higher land use intensities and dwelling unit densities.

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 proposal does not require Design Review under Sections 13.11.070 through 13.11.076 of the County Code.

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 sub-standard size and width of the parcel limit any improvements to the existing structures, and therefore present special circumstances. Both structures pre-date the adoption of the County's Zoning Ordinance, and the strict application of the Zoning Ordinance would prevent any substantial repairs and could lead to degradation of the streetscape and housing stock, potentially resulting in decreased property values.

Maintaining the significantly non-conforming portion of Unit 1 within 5 feet of the 34'' Avenue right-of-way can be justified as the living space in the unit is limited, and the structure is located more than 10 feet from the edge of the traveled roadway, limiting impacts to vehicle sight-distance.

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, as the retention of both structures in their existing location complies with zoning objectives to preserve access to light, air, and open space as both structures are single-story and maintain more than 5 feet of separation from structures on neighboring parcels. Furthermore, both structures are more than 10 feet from the edge of the traveled roadway, preserving adequate sight distance for vehicles. The proposed remodeling and reconstruction will benefit the neighborhood by enhancing the streetscape and restoring an off street parking space to the site.

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

This finding can be made, in that granting variances to allow partial reconstruction of the existing non-conforming and significantly non-conforming structures on a substandard lot (in terms of both size and width) does not constitute the granting of a special privilege with regards to the limitations placed on other properties in the same zone district in the Pleasure Point neighborhood. Many existing dwellings in the vicinity were constructed prior to the adoption of zoning and site standards, and variances have been granted to allow re-construction of non-conforming walls.

Conditions of Approval

Exhibit **A** Project plans, 3 sheets, drawn by the Pacific Rim Planning Group, dated 12/20/04.

- I. This permit only authorizes the reconstruction of existing non-conforming walls on Unit 1 (the unit facing 34th Ave.) and modifications necessary to convert the existing bedroom on Unit 2 (facing 33rd Ave.) into a carport. 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 for the demolition of the bedroom on Unit 2.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - 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. Details showing compliance with fire department requirements.
 - C. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - D. Provide required off-street parking for two 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.

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.
- B. With the exception of the work required to construct the carport, any structural work to the non-conforming portions of the dwelling unit facing 33rd Avenue (Unit 2) conducted within five years of the effective date of this permit will require a new variance, and subsequently any exterior structural work to the non-conforming portions of the structure within any five year period must not exceed 50% of the total linear length of the walls absent a new Variance approval.

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

David Keyon
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: 04-0183

Assessor Parcel Number: 032-212-05

Project Location: 211 34th Ave.

Project Description: Remodel to existing single-family dwelling

Person or Agency Proposing Project: Jim Weaver

Contact Phone Number: (831) 457-2033

- 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. ☒ **Categorical Exemption**

Specify type: Minor alteration and addition to an existing single-family dwelling (15301)

F. Reasons why the project is exempt:

Minor interior and exterior alterations, remodel.

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



David Keyon, Project Planner

Date: 1/20/05



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AVE

Assessor's Map No. 32-21
County of Santa Cruz, Calif.
October, 1998

Electronically Redrawn 10/23/98 rw
Rev. 4/12/01 mwm (changed page refs.)
Rev. 12/11/02 DD (2-0073460 LBA, 2-20 & 21)
Rev 3/19/03 CB (103RS11)

55PM7
10/10/97

AVE

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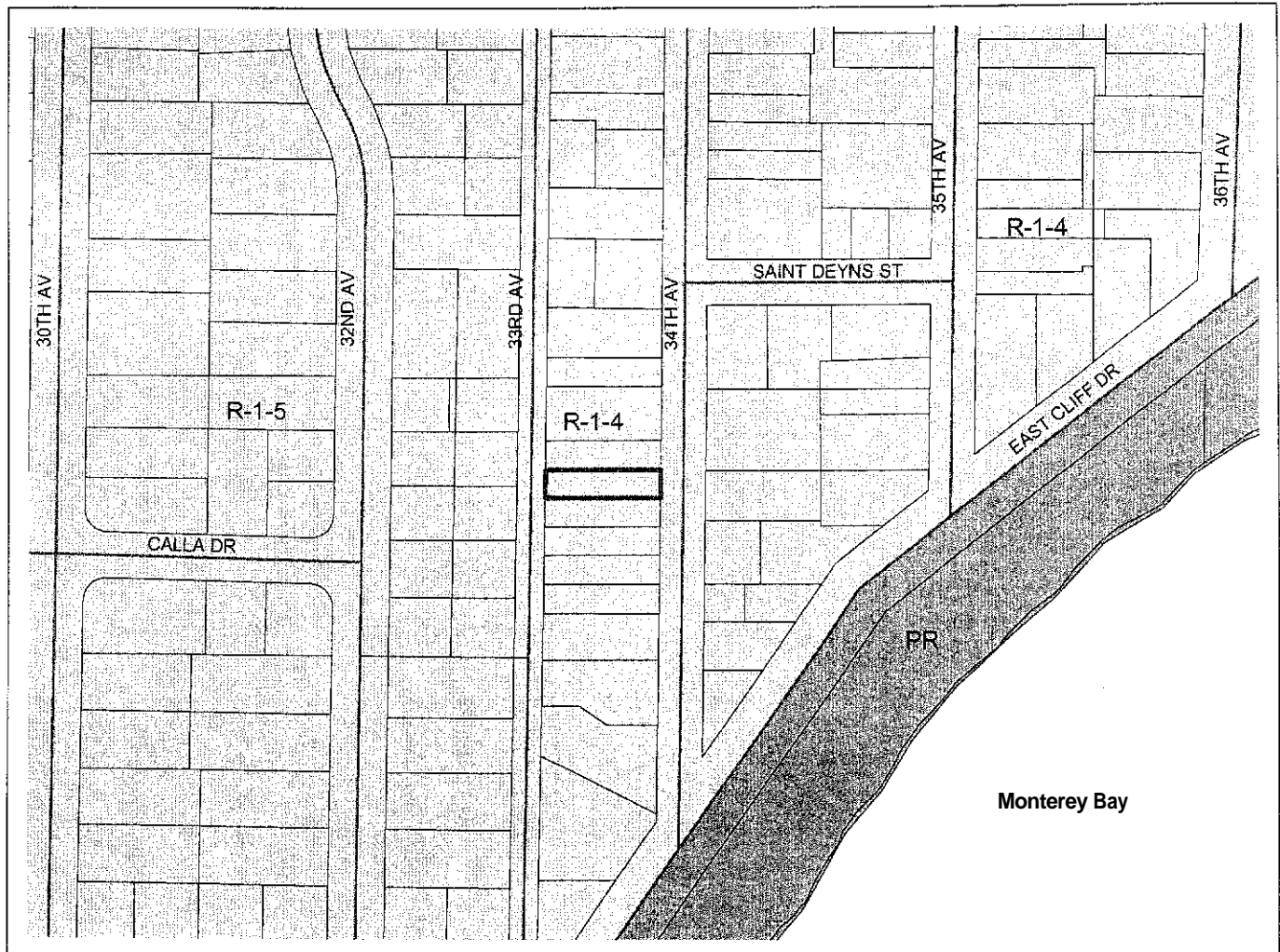
OK.

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1' = 50'

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



EXHIBIT

Zoning Map



200 0 200 400 600 Feet

Legend

-  APN 032-212-05
-  Streets
-  R-1-X
-  PR



Map created by Santa Cruz County
Planning Department:
April 2004