

# Staff Report to the Zoning Administrator

Applicant: Rinconada Development LLC Owner: Rinconada Development LLC APN: 027-182-06 Agenda Date: April 15, 2005 Agenda Item #: 5 Time: After 10:00 a.m.

**Project Description:** Proposal to make structural changes to an existing significantly nonconforming structure. Proposal includes conversion from a legal duplex to a single-family dwelling and reconstruction of retaining walls less than *3* feet tall in the front yard setback.

**Location:** Property located at the comer of East Cliff Drive and Assembly Avenue (**2631** East Cliff Drive)

Supervisoral District: 3<sup>rd</sup> District (District Supervisor: Mardi Wormhoudt)

Permits Required: Level V Use Approval

### **Staff Recommendation:**

- Approval of Application **04-0648**, 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
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Assessor's parcel map

- F. Zoning, General Plan, and Location map
- **G.** Reduced Plans
- H. Photograph of Original Dwelling
- I. Comments & Correspondence
- J. Building Permits

### **Parcel Information**

Parcel Size:	3,093 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	East Cliff Drive
Planning Area:	Live Oak

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

Land Use Designation:	R-UH (Urban	High Density Residential)
Zone District:	R-1-3.5 (Sing	le-familydwelling -3,500square feet
	minimum lot	size)
Coastal Zone:	<b>X</b> Inside	Outside
Appealable to Calif. Coastal Comm.	Yes	<u>X</u> No

### **Environmental Information**

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	NIA
Fire Hazard:	Not a mapped constraint
Slopes:	NIA
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:	NIA
Roads:	Existing roads adequate
Parks:	Existing park facilities adequate
Archeology:	Not mapped/no physical evidence on site

### **Services Information**

Urban/Rural Services Line:	X Inside Outside
Water Supply:	City of Santa Cruz
Sewage Disposal:	<b>County Sanitation District</b>
Fire District:	Central Fire Protection District
Drainage District:	Zone 5

### **Analysis and Discussion**

According to Assessor's records, the subject dwelling was constructed in 1933. Building permit records reflect a number of modifications to the building which result in the legal duplex that exists today. The current project proposes to reconfigure interior walls and convert **the** structure back into a single-familydwelling. The lower level is proposed as a garage, which was the original design as shown in the picture in Exhibit G. While the footprint of the dwelling will not change, the retaining walls and front entry stairs will **be** reconstructed, and the windows and siding on the home will be replaced.

The proposed changes result in a **less** intense use of the property **as** the number of bedrooms is being reduced from four to three. At the same time, the number of conforming parking spaces is increasing from one to three. The front retaining walls will be reconstructed outside of the public right-of-way for East Cliff Drive, and will be reconfigured to allow for the three conforming parking spaces. A planter space is included between the top of the retaining wall and the patio railing so that vegetation can soften the appearance of the wall and railing. The retaining walls

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do not exceed three feet in height

The dwelling is considered significantly non-conforming due to it's location approximately 2 feet from the right-of-way for Assembly Avenue. The 25 foot private right-of-way contains a 12-14 foot wide travel lane for one-way traffic. Landscaping and retaining walls for the subject dwelling currently encroach into the right-of-way approximately seven feet. The landscaping is proposed to remain, however the encroachment of the retaining walls into Assembly Avenue will **be** reduced to two feet. All encroachments into East Cliff Drive will be removed. The area in the public right-of-way previously occupied by retaining walls and landscaping will be replaced with paving according to Public **Works** Design Criteria.

### Zoning & General Plan Consistency

The subject property is a 3,093 square foot lot, located in the R-1-3.5 (Single-family dwelling - 3,500 minimum lot size) zone district, a designation which allows residential uses. The existing duplex *is* a non-conforming use in **the** zone district. The proposed modifications to the structure will convert it to a single-family dwelling, which is a principal permitted use in the zone district. The proposed project is consistent with the site's Urban High Density Residential (R-UH) General Plan designation.

### Local Coastal Program Consistency

Because the proposed modifications will not add any square footage to the dwelling, a Coastal Permit is not required. However, the proposed exterior modifications to the single-family dwelling are consistent with the County's certified Local Coastal Program, in that the reconstruction of retaining walls and front entryway will be visually compatible with the character of the surrounding neighborhood which is mapped as part of the Harbor area special community. The existing vertical siding will be replaced with new wood lap siding on the upper level of the house and the lower level of the house will be finished with ledge stone facing. Ledge stone facing will also be used on the retaining walls.

### 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 **04-0648**, 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: <a href="http://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By: Karen McConaghy Santa Cruz County **Planning** Department 701 Ocean Street, 4th **Floor** Santa Cruz **CA** 95060 Phone Number: (**831**) 454-3134 E-mail: <u>karen.mcconaghy@co.santa-cruz.ca.us</u>

## **Development Permit Findings**

I. 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 is not encumbered by physical constraints to development. The site is already developed with an existing structure and improvements to the front yard. New 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 modifications to the dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the footprint of the existing structure will not be increased. Modifications to the existing retaining walls in the front yard will remove encroachments into the public right-of-way for East Cliff Drive and will reduce the encroachment into the private right-of-way for Assembly Avenue. This reduction will improve sight distances at the comer. Additionally, modifications to the dwelling and retaining walls will allow for three standard parking spaces on site where only one currently exists.

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 modifications to the existing dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-3.5 (Single-family dwelling (3,500 minimum lot size)) zone district in that the primary use of the property will change from a legal nonconforming duplex (nonconforming use) to one single-family dwelling (principal permitted use). While the structure is significantly non-conforming, the footprint will not be increased and encroachments into the rights-of-ways for Assembly Ave and East Cliff Drive will be reduced or removed.

The proposed exterior modifications to the dwelling will bring the structure more into character with the Harbor area special community. The vertical siding will be replaced with wood ship lap siding and ledge facing. Additionally, modifications to the dwelling and retaining walls will allow for three standard parking spaces on site where only one currently exists. This will meet current parking requirements for a three bedroom single-family dwelling.

**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 Urban High Density Residential (R-UH) land use

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designation in the County General Plan. The proposed modifications to the existing dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, in that the footprint of the existing structure will not be increased.

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 changes result in a less intense use of the property as the number of bedrooms is being reduced from four to three. The level of traffic is not expected to change as a result of the proposed project. Existing roads and intersections in the surrounding area will not be adversely impacted.

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 modifications are mostly internal to the structure and the external appearance of the dwelling will be altered to be more consistent with the surrounding neighborhood and Harbor Area special community designation. The proposed single-family use is consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through **13.1**1.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed modifications to the existing dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The footprint of the dwelling is not proposed to increase, and encroachments into the rights-of-ways for Assembly Ave and East Cliff Drive will be reduced or removed.

The proposed exterior modifications to the dwelling will bring the structure more into character with the Harbor area special community. Additionally, modifications to the dwelling and retaining walls will allow for three standard parking spaces which will meet current parking requirements for a three bedroom single-familydwelling.

## **Conditions of Approval**

Exhibit A: Project Plans, drawn by Gerald Yates, 7 sheets, dated February 9,2005

- I. This permit authorizes structural modifications to an existing significantly nonconforming dwelling, and the replacement of retaining walls less than **3** feet in height in the front yard. 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 an Encroachment Permit from the Department of Public Works for all offsite work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - **4**. 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. Provide a landscape plan detailing the size and type of plants proposed for the planters in the front yard. The landscaping should be designed to drape over and cover the retaining walls, as well as **to** provide some vertical accents to soften the appearance of the patio railings.
    - **3.** Grading, drainage, and erosion control plans.
    - 4. Details showing compliance with fire department requirements.
  - B. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
  - C. Provide required off-street parking for **3** cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
  - D. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
  - A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- IV. Operational Conditions
  - 4. 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 Karen McConaghy 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.

# EXHIBIT C

# 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: 04-0648 Assessor Parcel Number: 027-182-06 Project Location: 2631 East Cliff Drive

### Project Description: Structural modifications to a significantly non-conforming dwelling

Person or Agency Proposing Project: Rinconada Development LLC

### **Contact Phone Number:**

- 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. \_\_\_\_ MinisterialProject involving only the use of fixed standards or objective
- **C.** <u>**Ministerial Project**</u> involving only the use of fixed standards or objective measurements without personal judgment.
- **D.** <u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

### E. X Categorical Exemption

Specify type: Class 1 - Existing Facilities (Section 15301)

### F. Reasons why the project is exempt:

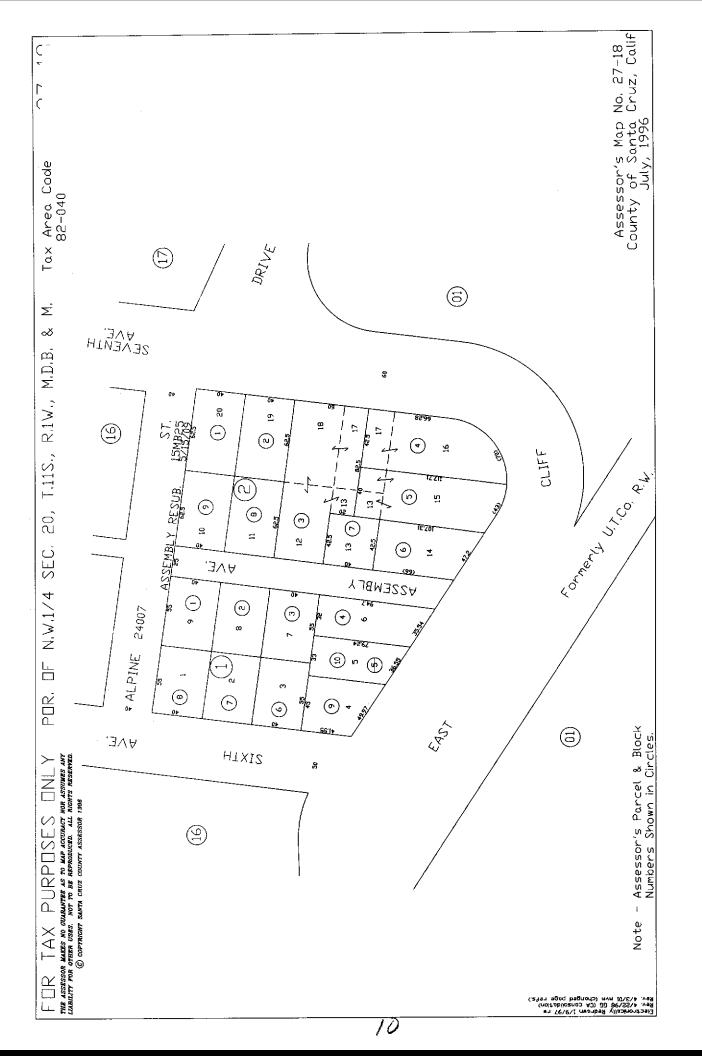
Internal modifications to an existing structure.

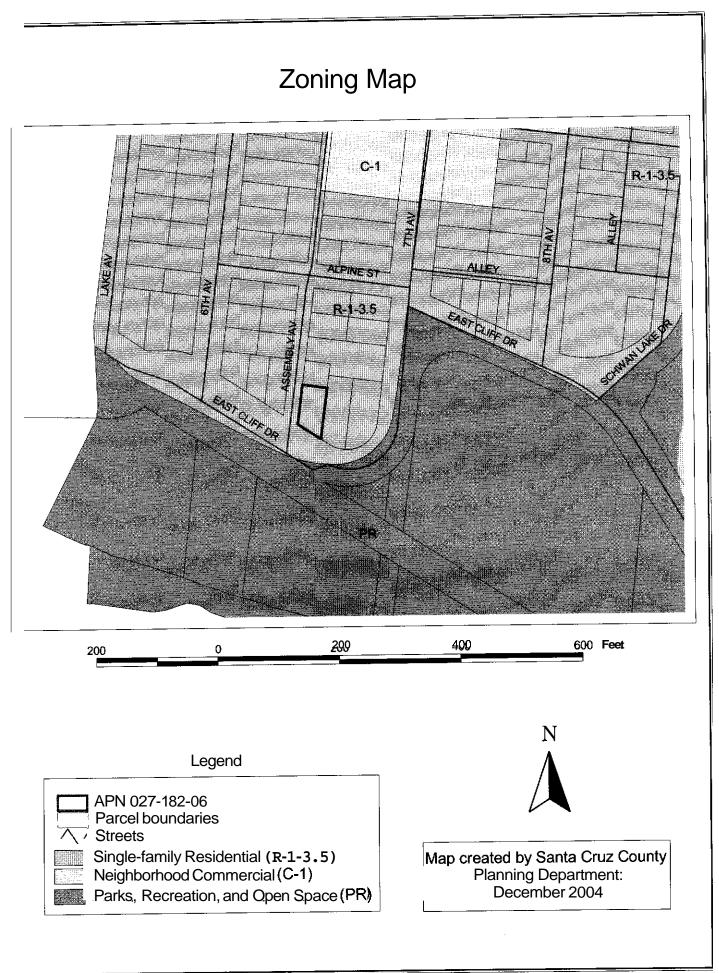
In addition, none of the conditions described in Section 15300.2 apply to this project.

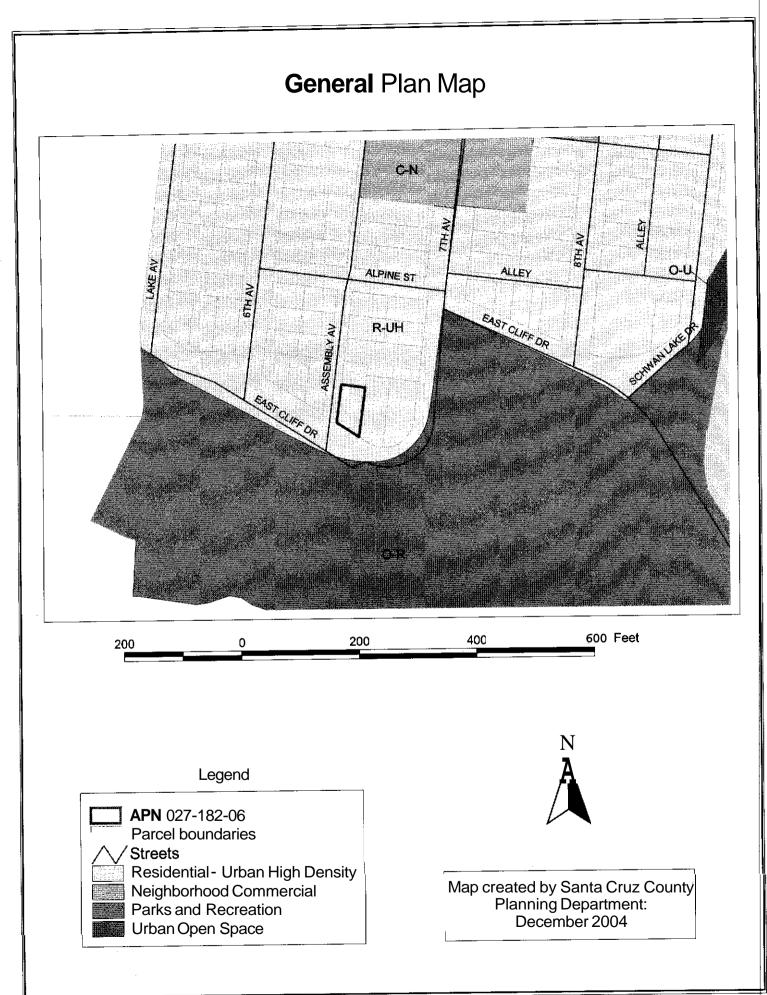
Karen McConaghy, Project Planner

Date:\_\_\_\_\_

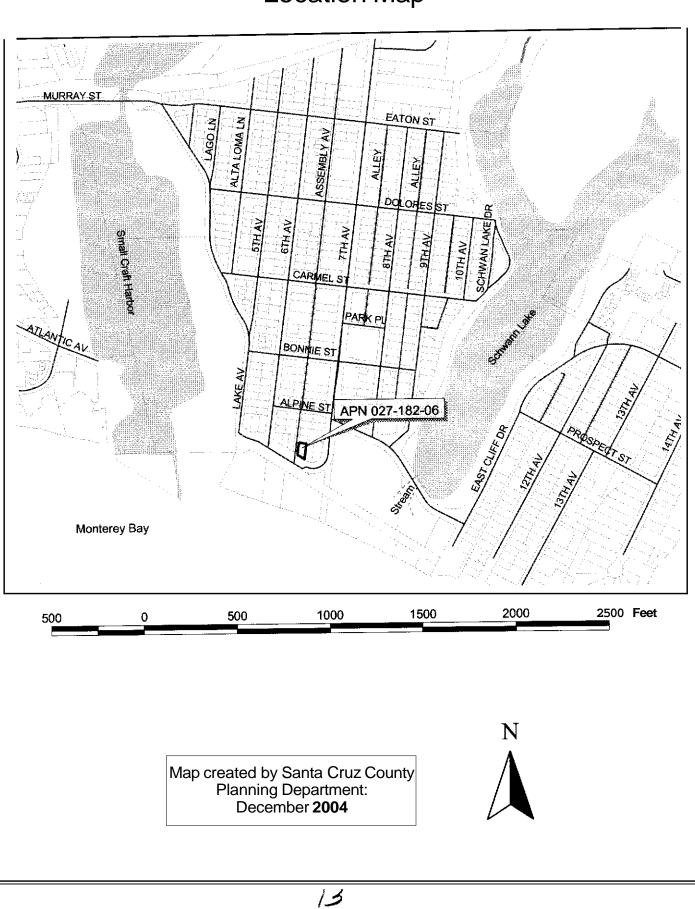
EXHIBIT D

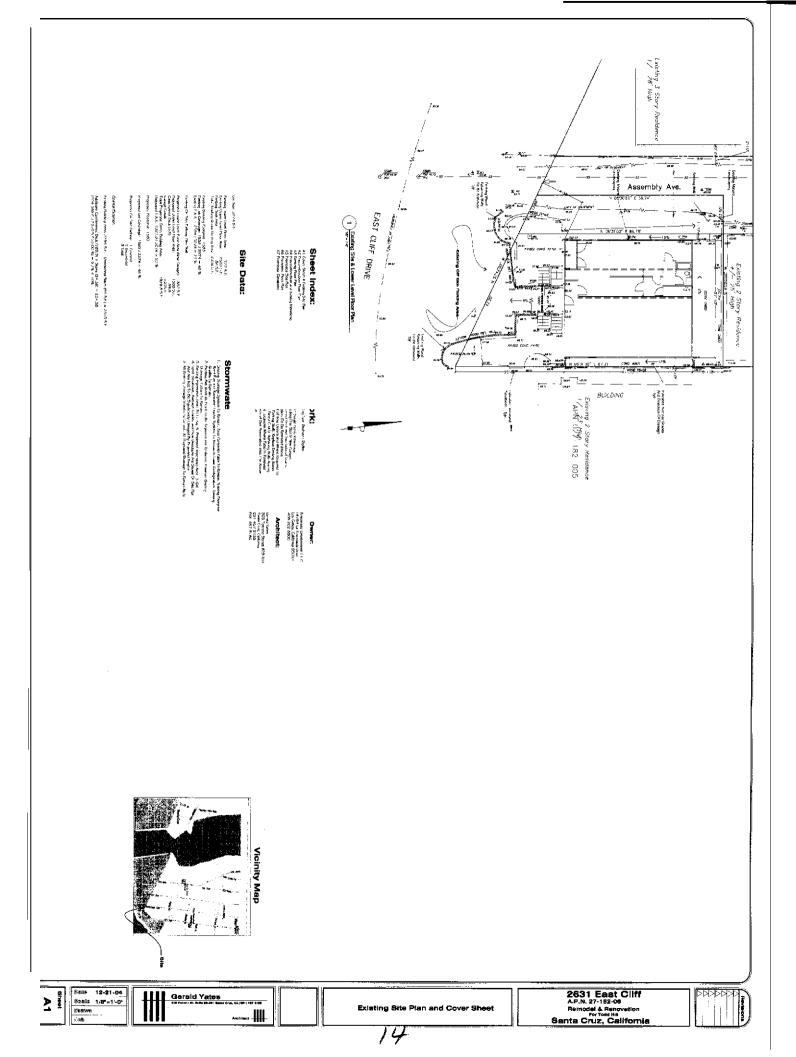


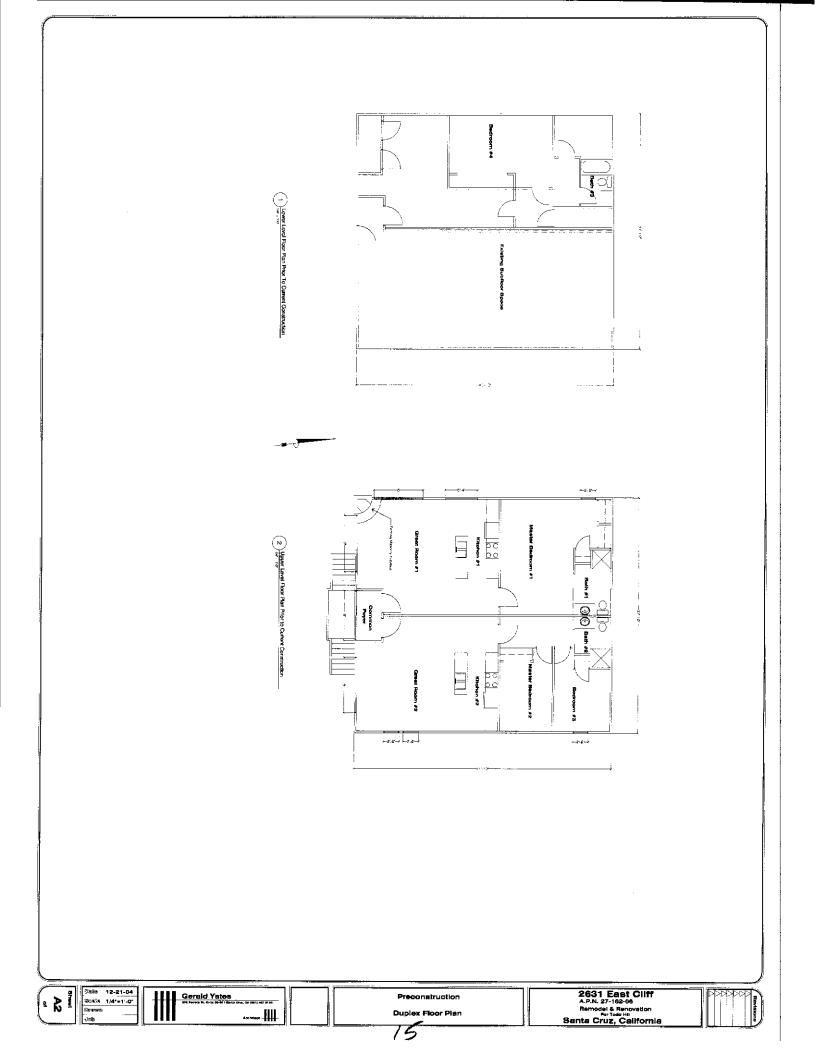


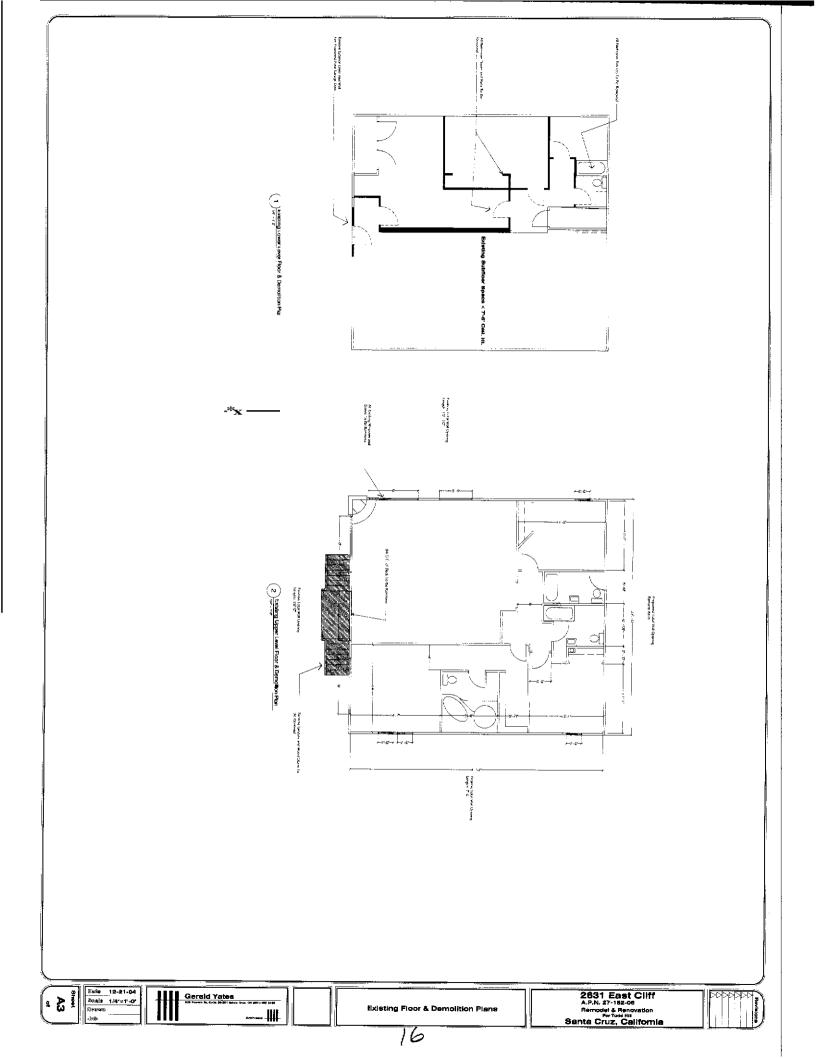


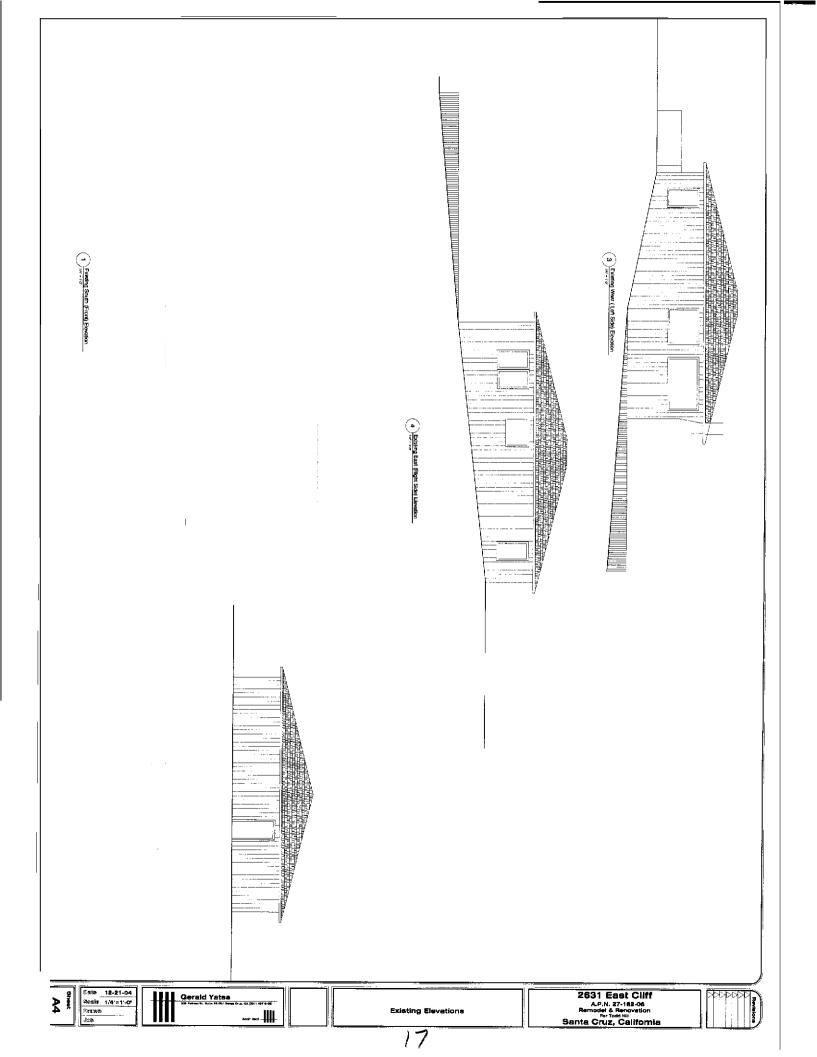
# Location Map

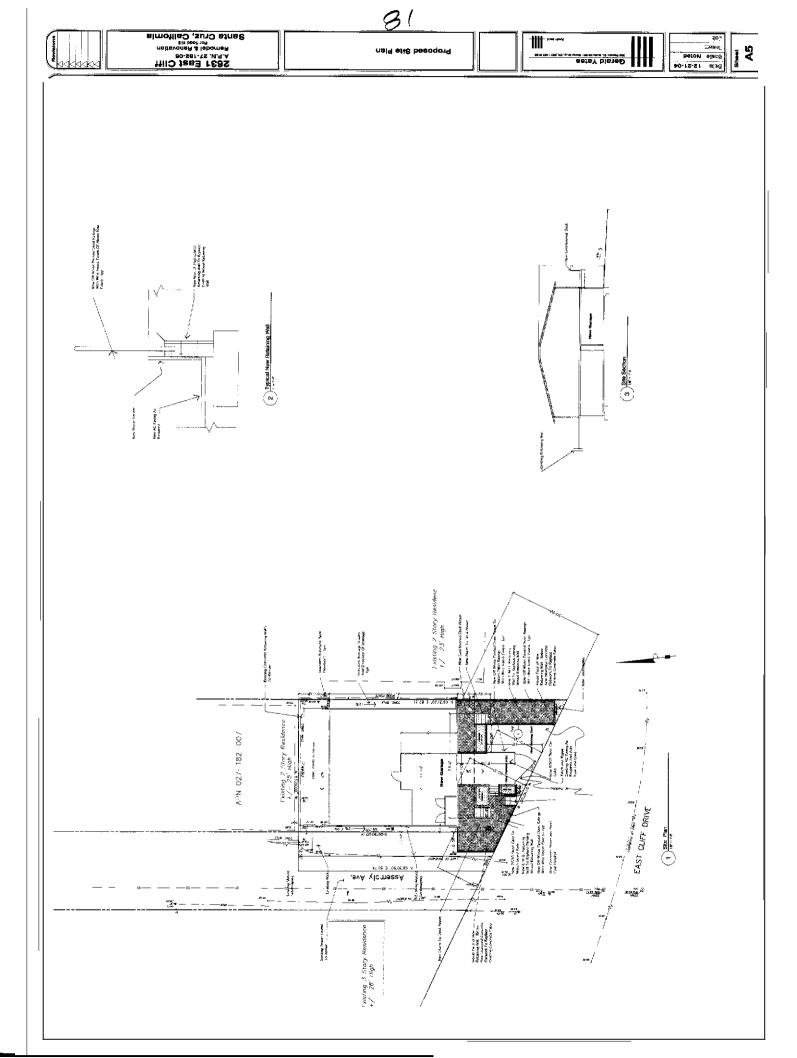


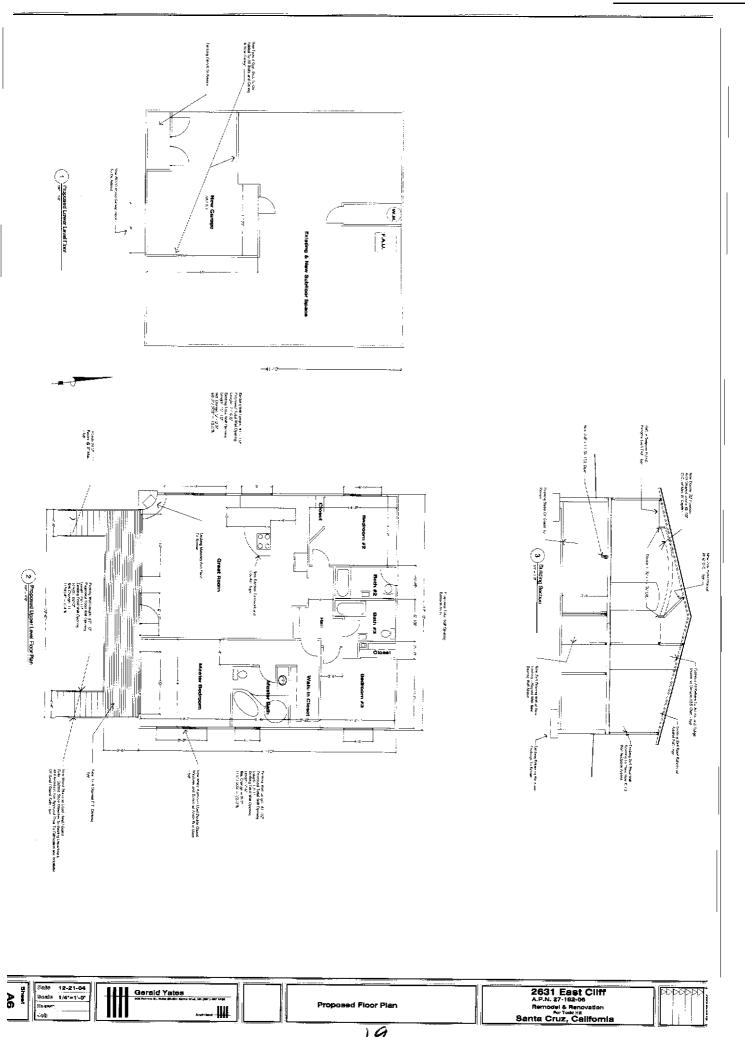


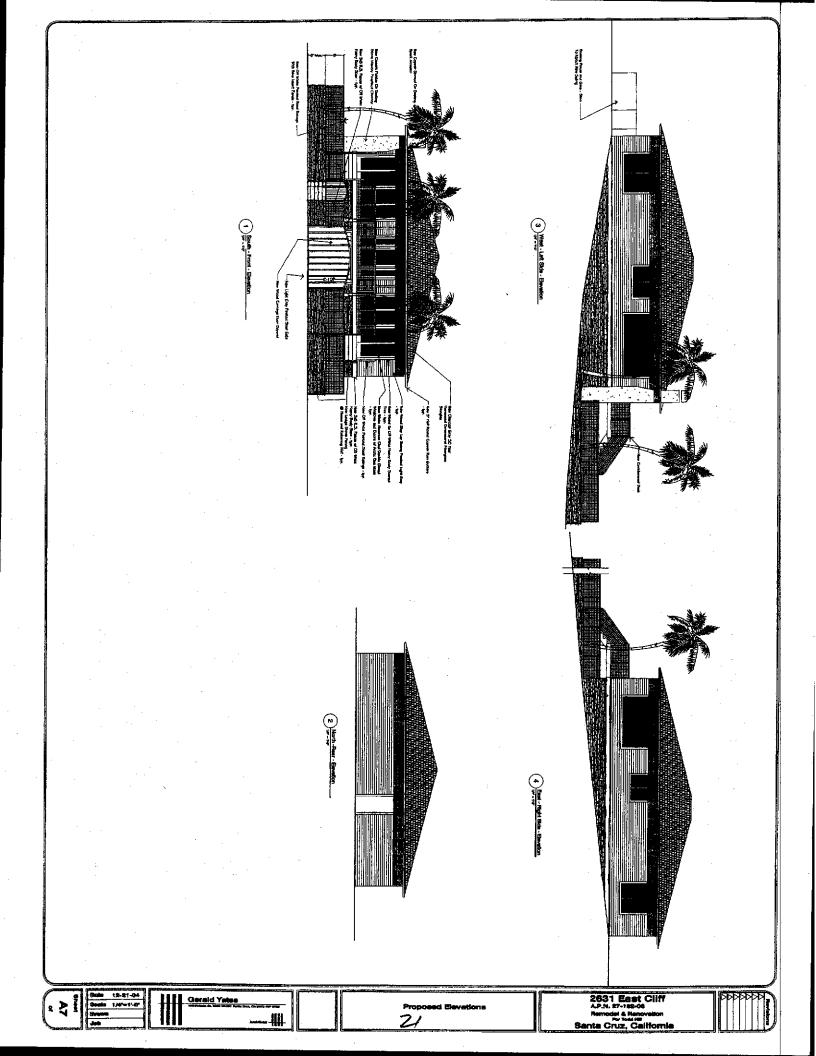


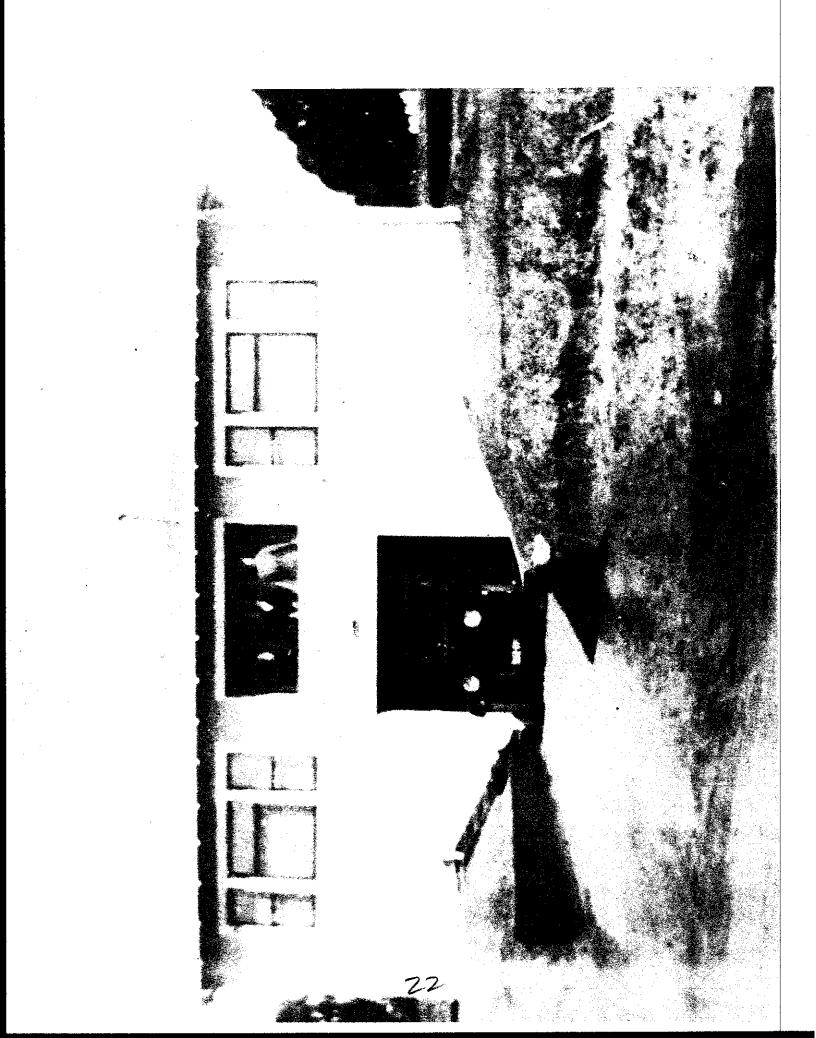


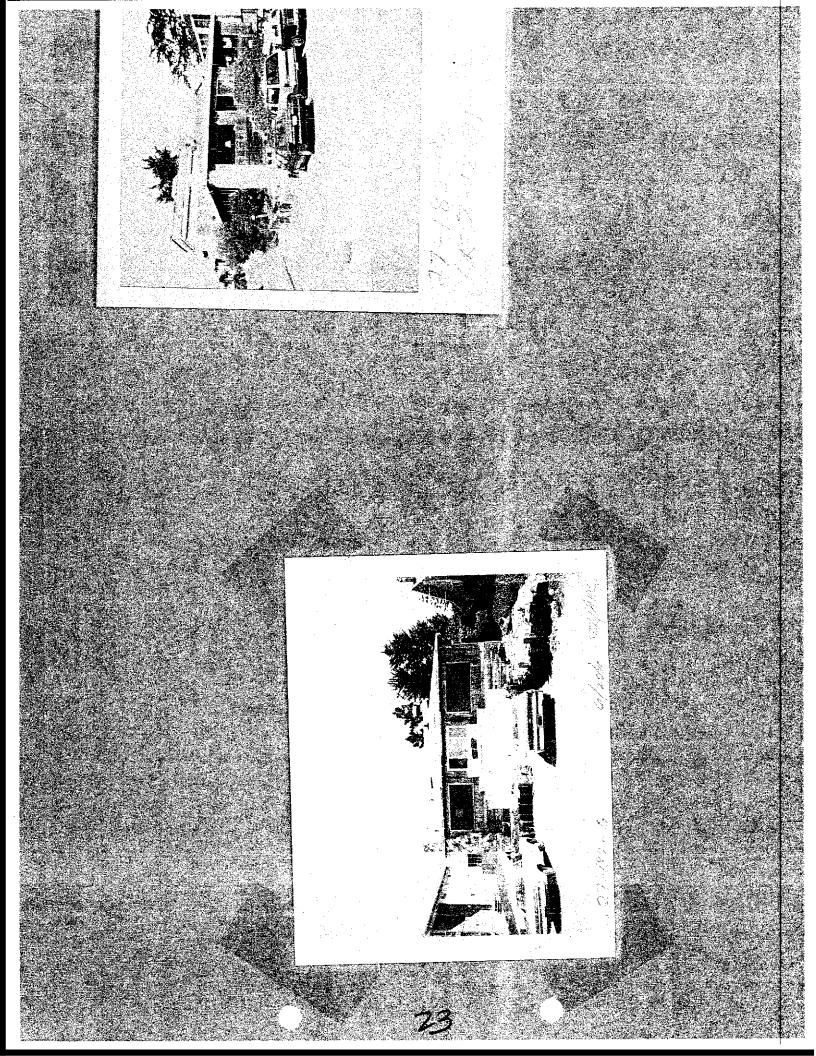












# COUNTY OF SANTA CRUZ INTER-OFFICE CORRESPONDENCE

DATE: March 3,2005
TO: Karen McConaghy, Planning Department, Project Planner
FROM: Melissa Allen, Planning Liaison to the Redevelopment Agency
SUBJECT: Application #04-0648, 2<sup>nd</sup> Routing, APN 027-182-06,2631 East Cliff Dr., Live Oak

The applicant is proposing to make structural changes to an existing significantly nonconforming structure. The proposal includes conversion from a legal duplex to a single-family dwelling and reconstruction of retaining walls exceeding 3 feet in the front yard setback. The project requires a Level V review and a Residential Development Permit. The property is located at the comer of east Cliff Drive and Assembly Avenue (**263** 1 East Cliff Drive).

This application was considered at an Engineering Review Group (ERG) meeting on January **5,2005** and again on March **2,2005**. The Redevelopment Agency (RDA) issued previous comments on this application on January 14, 2005. RDA appreciates the changes made to **the** project/plans to address those comments. RDA supports the preservation of existing rights-of-way and not allowing any private improvements or uses within them, especially in neighborhoods along the coast. This is also a major concern of the CA Coastal Commission. RDA has **the** following remaining comments regarding the proposed project.

- 1. The landscape plan should identify the types of plantings proposed within the planter boxes along **the** front. A landscape material should be used that will drape over and cover **the** walls and provide vertical accent plants to help soften and screen the fences.
- 2. An Encroachment Permit will be required for any work within the East Cliff Drive public right-of-way, including the demolition/removal of the existing wood retaining walls and pavement restoration.
- 3. The applicant/owner should be put on notice that in the future the County will likely further develop East Cliff Drive with roadway and roadside improvements within the public right-of-way.

The issues referenced above should be evaluated as part of this application and/or addressed by conditions of approval. RDA would **like** to *see* future routings of revised plans if there are any changes related to our comments. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

Cc: Greg Martin, DPW Road Engineering Paul Rodrigues, RDA Urban Designer Ronald Lechner, RDA Project Manager

### COPNTY OF SANTA RUZ DISCRETIONARY APPLICATION COMM ITS

Project Planner: Karen Mcconaghy Application No.: 04-0648 APN: 027-182-06 Date: March 11, 2005 Time: 14:02:22 Page: 1

#### Code Compliance Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

======= REVIEW ON JANUARY 4, 2005 BY KEVIN M FITZPATRICK ========

NO COMMENT This fully addresses the posted violation. (KMF)

#### Code Compliance Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

======= REVIEW ON JANUARY 4, 2005 BY KEVIN M FITZPATRICK ----

NO COMMENT

This project is to rectify a red tag. A majority of the structural work was done without permits. (KMF)

### Dpw Drainage Completeness Comments

#### Dpw Drainage Miscellaneous Comments

NO COMMENT

### Dpw Driveway/Encroachment Completeness Comments

====== REVIEW ON JANUARY 6, 2005 BY DEBBIE F LOCATELLI =======

Dpw Driveway/Encroachment Miscellaneous Comments

REVIEW ON JANUARY 6, 2005 BY DEBBIE F LOCATELLI
 Driveway to conform to County Design Criteria Standards.
 Encroachment permit required for all off-site work in the County road right-of-way.
 Retaining walls shall be not allowed within the County road right-of-way.
 Proposed ret wall shall not block sight distance for motorists at adjacent intersections and driveways.
 Required parking spaces shall not be located within county right-of-way. "No Parking" signs shall be required to be removed prior to building permit approval. County right-of-ways are not to be used as private parking.

### Dpw Road Engineering Completeness Comments

A gate which rotates into the right-of-way shall not be allowed. The centerdriveway serving the garage is recommended to be 12 feet wide and no less than 10 feet. The distance between the opposing steps is currently approximately 8.5 feet. The new retaining wall at the southeast corner of the property should have a minimum of a 3

Project Planner: Karen Mcconaghy Application No.: 04-0648 APN: 027-182-06

Date: March 11, 2005 Time: 14:02:22 Page: 2

Previous comments addressed satisfactorily. No comments.

### Dpw Road Engineering Miscellaneous Comments

----- REVIEW ON JANUARY 11, 2005 BY GREG J MARTIN ------

Vogel, Walter & Robinatt, Walker

27-182-6

Lot 14 2631 East Cliff Drive Santa Cruz

> BP#10907 2/21/69

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ROBINETT,	Walker			01	27-182-06			
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960-3M-357

REMARKS ON OTHER SIDE

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		CONT	RACTORS	<u></u>			
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NAME		Owners					
OWNERS	DATE 2/21/69	PERMIT NUMBER	DATE 2/21/69	10907	2/21/69		
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FLUES		GAS - P.T. Remarks:		SERVICE CLEARED DK-6-2-69 R.7.			

BUILDING INSPECTION JOB RECORD DLD 3 (REV.) WALTER VOGEL & ROBINETT