

## Staff Report to the Zoning Administrator

Application Number: 04-0653

Applicant: Martha Fiorovich Owner: Jay Pennock APN: 032-242-07 Agenda Date: 7/15/05 Agenda Item #: 7 Time: After 10:00 a.m.

**Project Description:** Proposal to construct a second story room with no interior access above the existing garage on a single family dwelling.

Requires a Coastal Development Permit and a Residential Development Permit to construct a Non-Habitable Accessory Structure in excess of 17 feet in height within the Urban Service Line.

**Location:** Property located on the south side of Pleasure Point Drive, at about 300 feet south of East Cliff Drive (3000 Pleasure Point Drive).

Supervisoral District: District 1 (District Supervisor: Janet Beautz)

Permits Required: Coastal Development Permit, Residential Development Permit

## **Staff Recommendation:**

- Approval of Application 04-0653, 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 map
- G. Comments & Correspondence

## **Parcel Information**

Parcel Size:10,161 square feetExisting Land Use - Parcel:ResidentialExisting Land Use - Surrounding:ResidentialProject Access:Pleasure Point Drive (off of East Cliff Drive)

County of Santa Cruz Planning Department 701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060 Application #: 04-0653 APN: 032-242-07 Owner: Jay Pennock

Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5
	(Single family residential - 5,000 square foot minimum)
Coastal Zone:	X Inside Outside
Appealable to Calif. Coastal Comm.	X Yes No

**Environmental Information** 

Geologic Hazards:	Coastal Bluff
Soils:	No report required
Fire Hazard:	Not a mapped constraint
Slopes:	2-5% at building site
Env. Sen. Habitat:	No new site disturbance
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Scenic beach viewshed
Drainage:	Existing drainage adequate
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 Water District
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

#### History

This single-family dwelling was originally constructed in the 1940s. The structure became nonconforming with the adoption of set back requirements since the original garage and sunroom were constructed within the eastern five-foot setback. As a part of Coastal Development Permit 01-0176, the sunroom and garage were demolished, and the garage was rebuilt to meet the setback requirements.

Coastal Development Permit 01-0176 was approved for a two-story addition which was not constructed. This permit was later reduced in scale to a one-story addition and an at-grade deck over an existing beach side (south) patio.

#### **Project Setting**

The subject property is located on the south side of Pleasure Point Drive in an existing residential neighborhood composed of mostly single family dwellings which are one to two stories in height.

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The parcel is essentially level except for the coastal bluff to the rear of the property. The parcel is east of and immediately adjacent to a public pedestrian walkway running from Pleasure Point Drive to the beach.

## Zoning & General Plan Consistency

The subject property is a 10,161 square foot lot, located in the R-1-5 (Single family residential - 5,000 square foot minimum) zone district, a designation which allows residential uses. The proposed project is accessory to the principal permitted residential use within the zone district and the existing residential use is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

## Non-Habitable Accessory Structure

**This** proposal includes a non-habitable accessory structure greater than **17** feet in height within the Urban Service Line which is being constructed as an addition to the existing single family dwelling. The proposed project is subordinate and incidental to the main house and use of the parcel in that the structure is non-habitable and its size is approximately 14% of the existing structure. This space is intended for use as an unheated storage space. As a non-habitable accessory structure, no kitchen, food preparation facilities or toilets are permitted. Additionally, the structure cannot be rented, let or leased as an independent dwelling unit. The interior may be insulated or have finished wall materials, but not both, and it may not be heated or cooled for human comfort. A declaration acknowledging these restrictions must be recorded with the County Recorder prior to the issuance of a building permit for the proposed development.

## Local Coastal Program Consistency

The proposed addition is in conformance with the County's certified Local Coastal Program, in that the resulting structure will be 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 located between the shoreline and the first public road, with existing developed beach access adjacent to the subject property which will not be obstructed or adversely affected by the proposed development. This parcel **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 or ocean.

## **Design Review**

The proposed addition complies with the requirements of the County Design Review Ordinance, in that the proposed project will be compatible with the existing residence in terms of colors and materials. Although the project is over 17 feet in height, two story structures are not inconsistent with the pattern of development in the surrounding neighborhood.

The mass, bulk, and scale of the proposed project are substantially reduced from the project approved by Coastal Development Permit 01-0176 which would have resulted in a 1,966 square foot second story addition. The visual impact of the proposed 400 square foot, second story, non-



habitable accessory structure will be significantly reduced from the prior approval.

The owners have submitted a petition documenting the support of residents of eight Pleasure Point Drive addresses within a one-block area for the proposed design (Exhibit "G").

#### 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 "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

## Staff Recommendation

- APPROVAL of Application Number **04-0653**, 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: <u>www.co.santa-cruz.ca.us</u>

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

## **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-1-5 (Single family residential - 5,000 square foot minimum), a designation which allows residential uses. The proposed project is accessory to the principal permitted residential use within the zone district and is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that 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. The project is east of and adjacent to a public pedestrian access which runs from Pleasure Point Drive to the beach. No changes are proposed which will limit or obstruct this public access.

**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 fiding 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.

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 located between the shoreline and the first public road, with existing developed beach access west and adjacent to the property which will not be observed or otherwise adversely affected by the proposed development. Consequently, the addition 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, this project is accessory to the existing residential use, and residential uses are allowed uses in the R-1-5 (Single family residential - 5,000 square foot minimum) zone district of the area, as well as in 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. 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 addition 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 non-habitable accessory structure 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-1-5 (Single family residential - 5,000 square foot minimum) zone district in that the primary use of the property will be one single family dwelling with one non-habitable accessory structure that meet 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 Urban Medium Residential (R-UM) land use designation in the County General Plan.

The proposed addition 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 proposed addition 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 addition will not result in a structure that is 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 addition will comply with the site standards for the R-1-5 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 non-habitable accessory structure will not be a use that generates traffic or uses an excessive amount of utilities.

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 non-habitable accessory structure 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 13.11.070through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed addition to the existing single family dwelling will be of an appropriate scale and type of design that will not adversely affect the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## **Conditions** of Approval

- Exhibit A: Project plans, "The Pennock Residential Remodel," **4** sheets, prepared by Martha **A.** Fiorovich, Architect, dated November 2004 and revised June 8,2005.
- I. This permit authorizes the construction of a non-habitable accessory structure. 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, if required.
- 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 and must match the materials used on the existing structure.
    - 2. Grading, drainage, and erosion control plans.
    - 3. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
    - 4. Details showing compliance with fire department requirements.
    - 5. Identify both the 25 foot bluff setback and the 100 year stability setback as



determined by a licensed Geologist.

- 6. Comply with all conditions and requirements of the County Geologist acceptance letter by Joe Hanna dated May 17,2001 (Exhibit "G").
- 7. Identify the five-foot eastern side setback and eight-foot western side setback.
- C. Submit **4** copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit **3** copies of a plan review letter signed and wet stamped by a licensed Geologist confirming the location of the 100 year stability setback from the coastal bluff.
- **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 Structure as a Non-Habitable Accessory Structure which will prohibit the installation of any plumbing or food preparation facilities, and the renting, letting or leasing of the structure as an independent dwelling unit as defined in County Code Section 13.10. 700-D. You may not alter the wording of this declaration. Follow the instructions to record and return the form to the Planning Department.
- **H.** Per County Code 13.10.611(d)(2)(i), the structure may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director.
- 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 geologic and geotechnical 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-Coronerif 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.
  - B. The use of the proposed non-habitable accessory structure shall be limited by the following restrictions:
    - 1. **All** plumbing is prohibited.
    - 2. Kitchen and food preparation facilities are prohibited.
    - 3. The addition cannot be rented, let or leased as an independent dwelling unit.
    - 4. The addition may not have a separate electrical meter.
    - 5. The interior may be insulated or have finished wall materials, but not both.
    - 6. The structure may be inspected for condition compliance twelve months after approval, and at any time thereafter at the discretion of the Planning Director.
  - C. All drainage must be directed towards the street and away from the coastal bluff.
  - D. Modifications to the architectural elements including but not limited to exterior finishes, window placement, roof design and exterior elevations are subject to County review and approval and an amendment to this permit may be required.

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 Busse Deputy <b>Zoning</b> Admin		e Olson 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: 04-0653 Assessor Parcel Number: 032-242-07 Project Location: 3000 Pleasure Point Drive

# Project Description: Proposal to construct a second story room with no interior access above an existing garage on a single family dwelling.

## Person or Agency Proposing Project: Martha Fiorovich

## Contact Phone Number: (831) 724-1878

- **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. <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. <u>X</u> <u>Categorical Exemption</u>

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

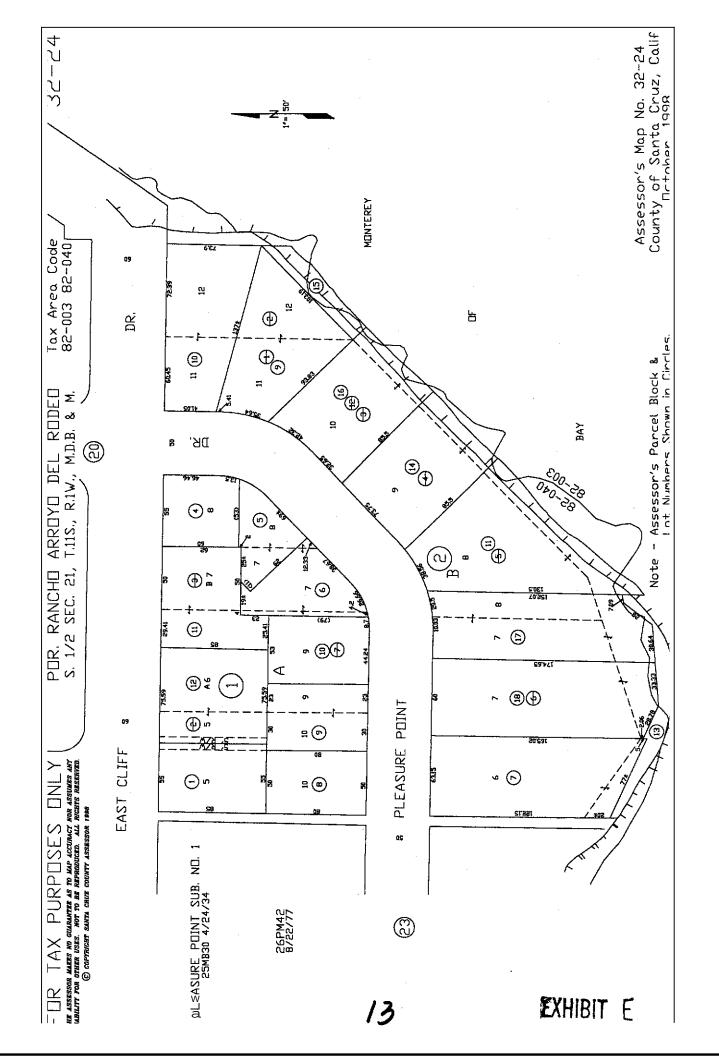
## F. Reasons why the project is exempt:

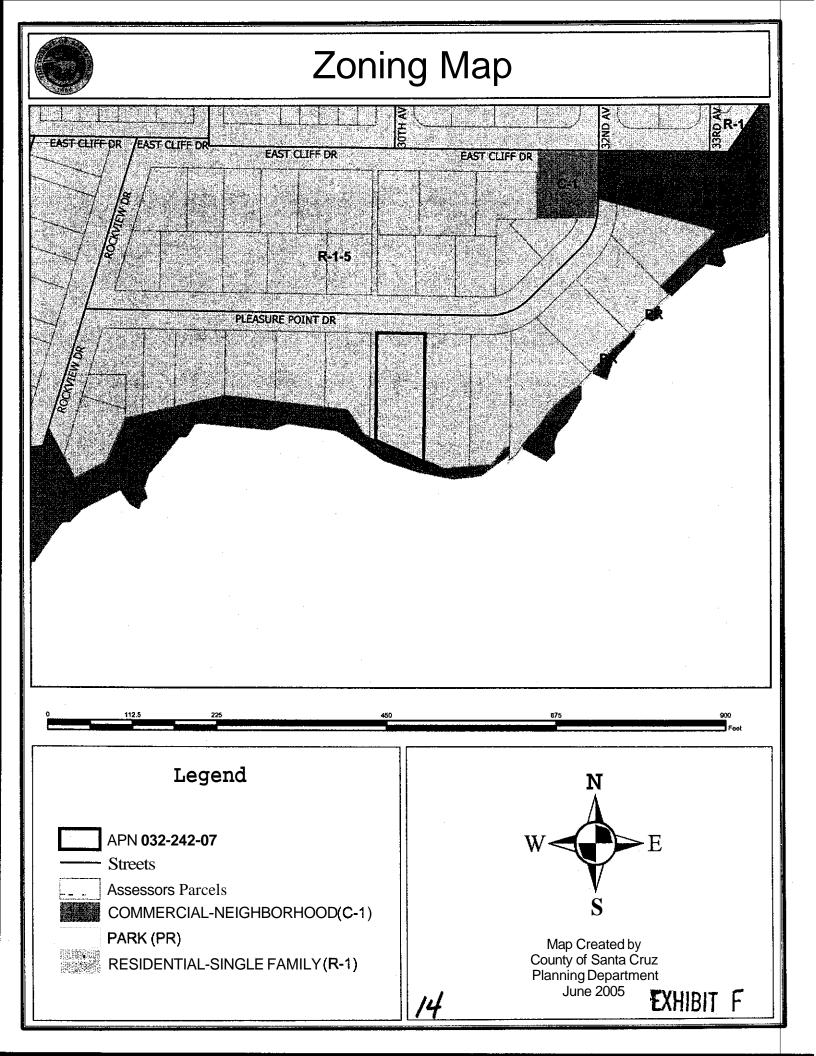
Construction of **an** addition to an existing residence within an area designated for residential development.

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

Annette Olson, Project Planner

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





## COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Annette Olson Application No.: 04-0653 APN: 032-242-07 Date: May 27. 2005 Time: 11:21:03 Page: 1

No agency comments received through the mainframe.



# COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT 701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060 (831) 454-2580 Fax: (831) 454-2131 TDD: (831) 454-2123 TOM BURNS, PLANNING DIRECTOR

<b>#</b> 2 <sup>nd</sup> Routing <b>#</b> Project C o m ent Sheet				
Date: April 5,2005	Dept. of Public Works			
Code Compliance	Drainage District			
Environmental Planning	Driveway Encroachment			
Fire District	Road Engineering/Transportation			
Housing	Sanitation			
Lone Range / Advanced Plne	Surveyor			
Project Review Randall Adams	Environmental Health			
Larry Kasparowitz	RDA			
Planning Director	Supervisor Janet K. Beautz			
DUPLICATE FILES:	Clerk of the Board			
	Other			
From: Development Review Division	So Concurrent-			
Project Planner:Randall AdamsTel:Email:pln515@co.santSubject APN:032-242-07Application Number:04-0653	454-3218 a-cruz.ca.us			
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See Attached for Project Description

The attached application for a development permit, land division permit or general plan amendment has been received by the Planning Department.

Please submit your comments to the project planner via the discretionary application comments/review function in A.L.U.S.

Please Complete by: April 20.2005

#### COUNTY OF SANTA CRUZ

#### Inter-Office Correspondence

DATE: April 19, 2005

TO: Tom Burns, Planning Director Randall Adams, Planner

FROM: Supervisor Jan Beautz

RE: COMMENTS ON APP. 04-0653, APN 032-242-07, 3000 PLEASURE POINT DRIVE

Please consider the following areas of concern in your evaluation of the above application to construct a 400 square foot second story habitable room with no interior access above an existing garage:

These revised plans have clarified the previously conflicting information contained in the first routing for this proposal. It is also encouraging that the applicant has provided a letter dated March 15 signed by area neighbors supporting this proposal. However, APN 032-242-18 (3006 Pleasure Point Drive), the neighbor directly to the east of this proposal, has not signed this letter. Was this neighbor approached by the applicant and informed of this proposal? This adjacent parcel will experience the greatest potential impact from this proposed second story addition as this structure will be six feet from their side yard property line. How will this be addressed?

The plot plan provided on Sheet 1 indicates, by dotted line, the setbacks and possible building envelope for this 10,161 square foot parcel. However, both side yard setbacks are stated to be five feet. It is my understanding that a parcel of this size is required to provide setbacks of five and eight feet. Correct setbacks do not appear to affect the footprint for this proposal, but without this correction, the property owner might incorrectly assume permitted locations for future expansion. Will the plot plan be corrected accordingly?

Sheet 2 clearly states that this proposed second floor addition will be used for storage and as an unheated studio. Will this be conditioned as required by Code Section 13.10.611(d) that the owner sign an agreement that this space will not be converted to a dwelling unit or any other independent habitable structure and that the structure may be inspected at any future time for compliance with all conditions?

JKB:ted

2253A1

## Examples of SPIRAL and EXTERIOR ACCESS stairways in the immediate neighborhood of 3000 Pleasure Point Drive

Application # 13977 04 -0663 Assessor's parcel #: 032-242-07

Enclosed: Neighborhood petition letter in favor of the project 4 pages of photographs – 14 homes Approximate distances in blocks from proposed project site

Dated: March 23,2005

Jay and Annette Pennock 3000 Pleasure Point Drive Santa Cruz. CA 95062

March 15,2005

Santa Cruz County Planning Department 701 Ocean Street Santa Cruz, CA **95060** 

Subject: Application **#: 13977** Assessor's Parcel **# 032-242-07** Address: **3000** Pleasure Point Drive

Dear Planning Department,

**As** requested by our planner, Randall Adams, we have spoken with many of our neighbors to garner their support for our proposed bonus room/storage addition over **our** garage. We explained to each of them our intention to build a 400 SQ FT room to be accessed by a unique, ocean-themed exterior spiral staircase. We also showed them the photos of the many examples of similar staircases that can be found in our neighborhood. Below in petition form are their signatures and addresses as a sign of support for our project.

Thank you for your time,

#### Jay and Annette Pennock

Address Name up 2005 Pleasure A.D. Sa 100 SURE P+ DR Jairy 10 3020 PLEASURE DUINT DA 10-0 DDI eas Point CURU 24 2201 100 3021 PLEASURE PC V PETERY TERRY

**EXHIBIT** 

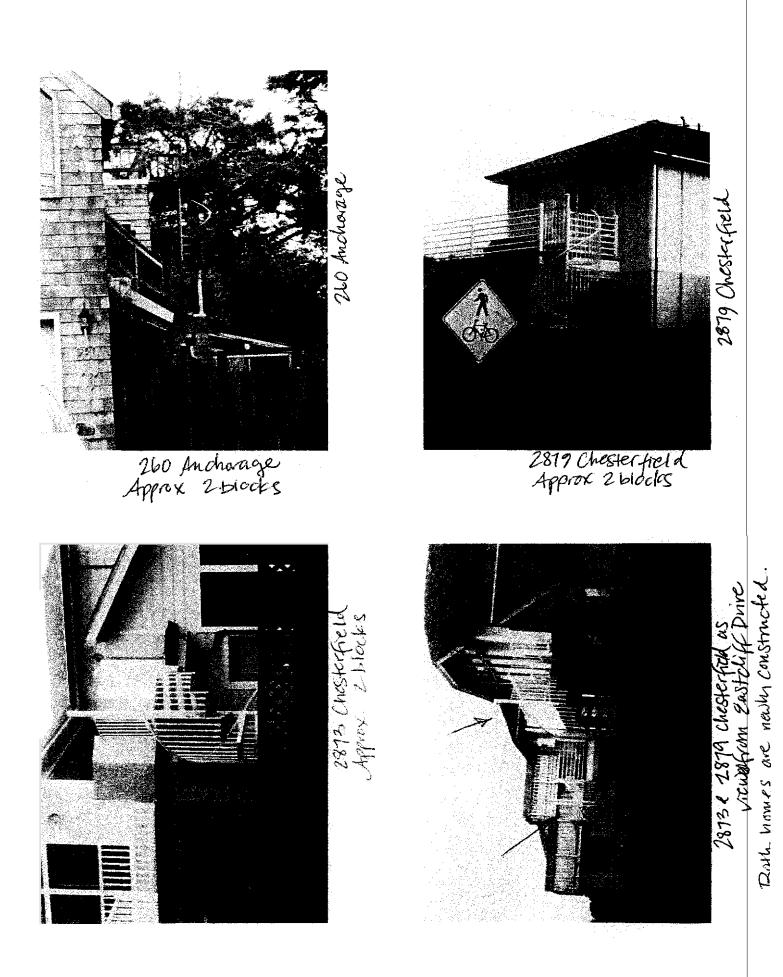
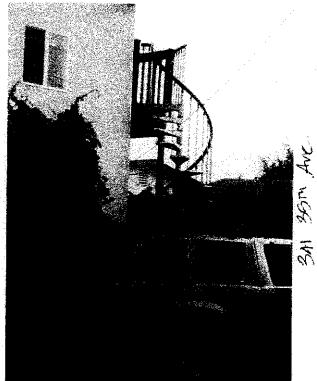
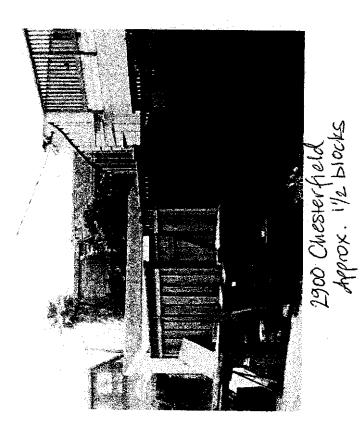
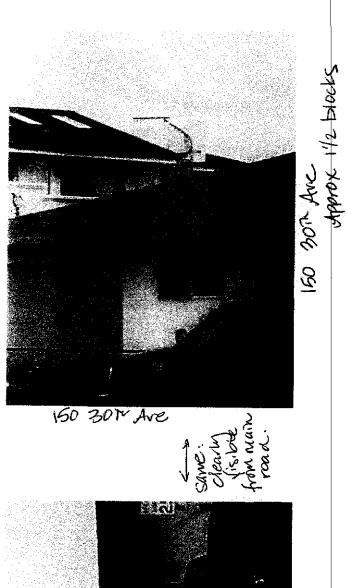


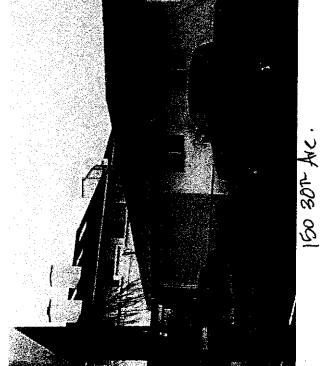
EXHIBIT G



341 36m Ave. Approx. Ele blocks







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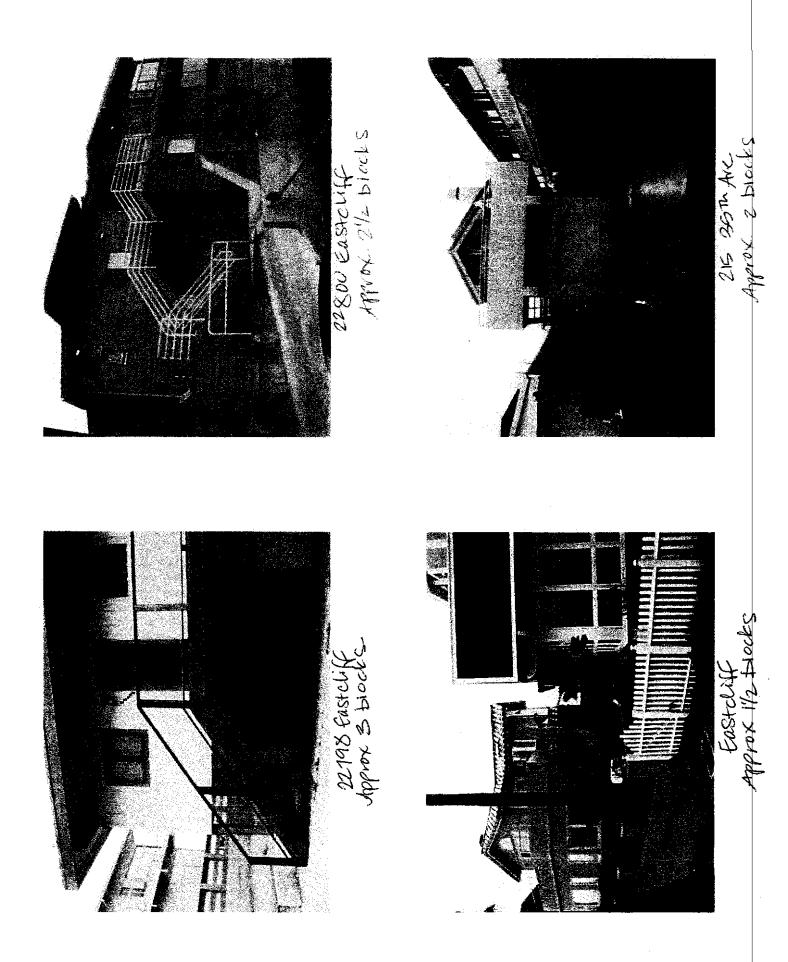


EXHIBIT G

