



Staff Report to the Zoning Administrator

Application Number: **04-0657**

Applicant: Don Andre
Owner: Joseph and Julia Woodley
APN: 028-301-01

Agenda Date: **January 20, 2005**
Agenda Item #: **2**
Time: After 10:00 a.m.

Project Description: Proposal to construct a first and second floor addition to **an** existing significantly non-conforming single family dwelling.

Location: 170 Moran Way, Santa Cruz

Supervisory District: First District (District Supervisor: Janet K. Beautz)

Permits Required: Residential Development Permit

Staff Recommendation:

- Approval of Application 04-0657, 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 | F. General Plan map |
| B. Findings | G. Zoning map |
| C. Conditions | H. Discretionary Application Comments |
| D. Categorical Exemption (CEQA determination) | I. Assessor's Information |
| E. Location map | |

Parcel Information

Parcel Size:	3,485 sq. ft.
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Single family residential
Project Access:	Moran Way
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Density Residential)
Zone District:	R-1-5 (5,000 sq. ft. min. parcel area)

Application #: 04-0657
APN: 028-301-01
Owner: Joseph and Julia Woodley

Page 2

Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: 179
Fire Hazard: Not a mapped constraint
Slopes: N/A
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: Existing drainage adequate
Traffic: N/A
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 Department
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

History

The County of Santa Cruz Assessor's Office records shows the existing residence to have been built in 1947 with no garage (see Exhibit I).

Zoning & General Plan Consistency

The subject property is a 3,485 square foot lot, located in the R-1-5 (5,000 sq. ft. min. parcel area) zone district, a designation that allows residential uses. The proposed addition to an existing residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

	R-1-3.5 to 4.9 Standards	Existing Residence	Proposed Addition
Front yard setback:	15 feet	15'-0" +	
Side yard setback:	5 feet	5'-6"	5'-6"
Street side yard setback	10 feet	0'-0"	10'-0"
Rear yard setback:	15 feet	6'-0" (<i>non-conforming</i>)	15'-0"
Lot Coverage:	40 % maximum	32.7 %	38.1 %
Building Height:	28 feet maximum		23'-6" ±
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50%)	32.7 %	
Parking	3 bedrooms – 3 (18' x 8.5')	None (on-site)	One covered Two uncovered

Addition to a significantly non-conforming structure

The existing structure has one corner which is on the property line adjacent to the Moran Way right-of-way. This corner (see Exhibit A) is approximately fourteen feet from the actual roadway, and there are no plans to expand the width of Moran Way.

The County of Santa Cruz Zoning Ordinance allows for an addition to a significantly non-conforming structure. This residence is significantly non-conforming in the existing structure is located within five feet of a vehicular right-of-way. A Level V Use Approval is required for any addition.

All the findings in Section 13.10.265 can be made (see Significantly Non-Conforming Findings section attached). The proposed addition conforms to all setbacks, does not bring the Lot Coverage nor Floor Area Ratio over the maximum allowable requirements, and there is no addition to the existing structure of the non-conforming dimensions.

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, is already served by existing water and sewer utilities, and no change of use is proposed.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of

Application#: 04-0657
APN: 028-301-01
owner: Joseph and Julia Woodley

Page 4

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 04-0657, 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

Report Prepared By: Lawrence Kasparowitz
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831)454-2676
E-mail: pln795@co.santa-cruz.ca.us

Application#: 04-0657
APN: 028-301-01
Owner: Joseph and Julia Woodley

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 is not encumbered by physical constraints to development. 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 to the existing residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the addition will meet 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 addition to an existing 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-1-5 (5,000 **sq.** ft. min. parcel area) zone district in that addition to the existing residence 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 Urban Medium Density 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 will meet all current site and development standards for the zone district as specified in Policy **8.1.3** (Residential Site and Development Standards Ordinance), ensuring access to light, air, and open space in the neighborhood.

The proposed addition and the existng 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 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.

Application# 04-0657
APN: 028-301-01
Owner: Joseph and Julia Woodley

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 proposal is for an addition to an existing 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 residence (with addition) will be consistent with the land use intensity and density of the neighborhood.

Significantly Non-Conforming Structure Findings

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the structure will continue to be operated and maintained as a single-family residence.

2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

This finding can be made, no goals and objectives of the County of Santa Cruz General Plan will be impeded. There is no Specific Plan which has been adopted for this area.

3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

This finding *can* be made, in that the neighborhood is entirely residential and this structure (with the proposed addition) is compatible with the bulk and mass of the surrounding structures.

4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

This finding can be made, in that none of the nonconforming dimensions of the existing structure are to be increased. The proposed additions will meet all site standards for the zoning district.

Application #: 04-0657
APN: 028-301-01
Owner: Joseph and Julia Woodley

Conditions of Approval

Exhibit A: Architectural plans prepared by Don Andre, Architect dated 12.27.04, revised 9.20.05.
Survey prepared by Ward Surveying, dated 10/25/04.

- I. This permit authorizes the construction of an addition to an existing 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 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. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. 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.
 - C. Submit four 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 of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

Application #: 04-0657
APN: 028-301-01
Owner: Joseph and Julia Woodley

- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - F. Pay the current fees for Parks and Child Care mitigation for one bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - G. Pay the current fees for Roadside and Transportation improvements for one bedroom. Currently, these fees are, respectively, \$667 and \$667 per bedroom.
 - H. Provide required off-street parking for three 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.
 - I. 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.
 - C. 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.
- V. As a condition of this development approval, the holder of this development approval

Application #: 04-0657
APN: 028-301-01
owner: Joseph and Julia Woodley

("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, **or** proceeding or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation **or** settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

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: _____

Application # **04-0657**
APN: **028-301-01**
Owner: Joseph **and** Julia **Woodley**

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: 04-0657
Assessor Parcel Number: 028-301-01
Project Location: 170 Moran Way

Project Description: Proposal to construct a first and second floor addition to an existing significantly non-conforming single family dwelling.

Person Proposing Project: Don Andre

Contact Phone Number: (831) 728-2021

- 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: 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.

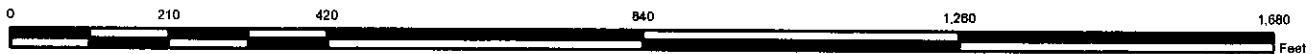
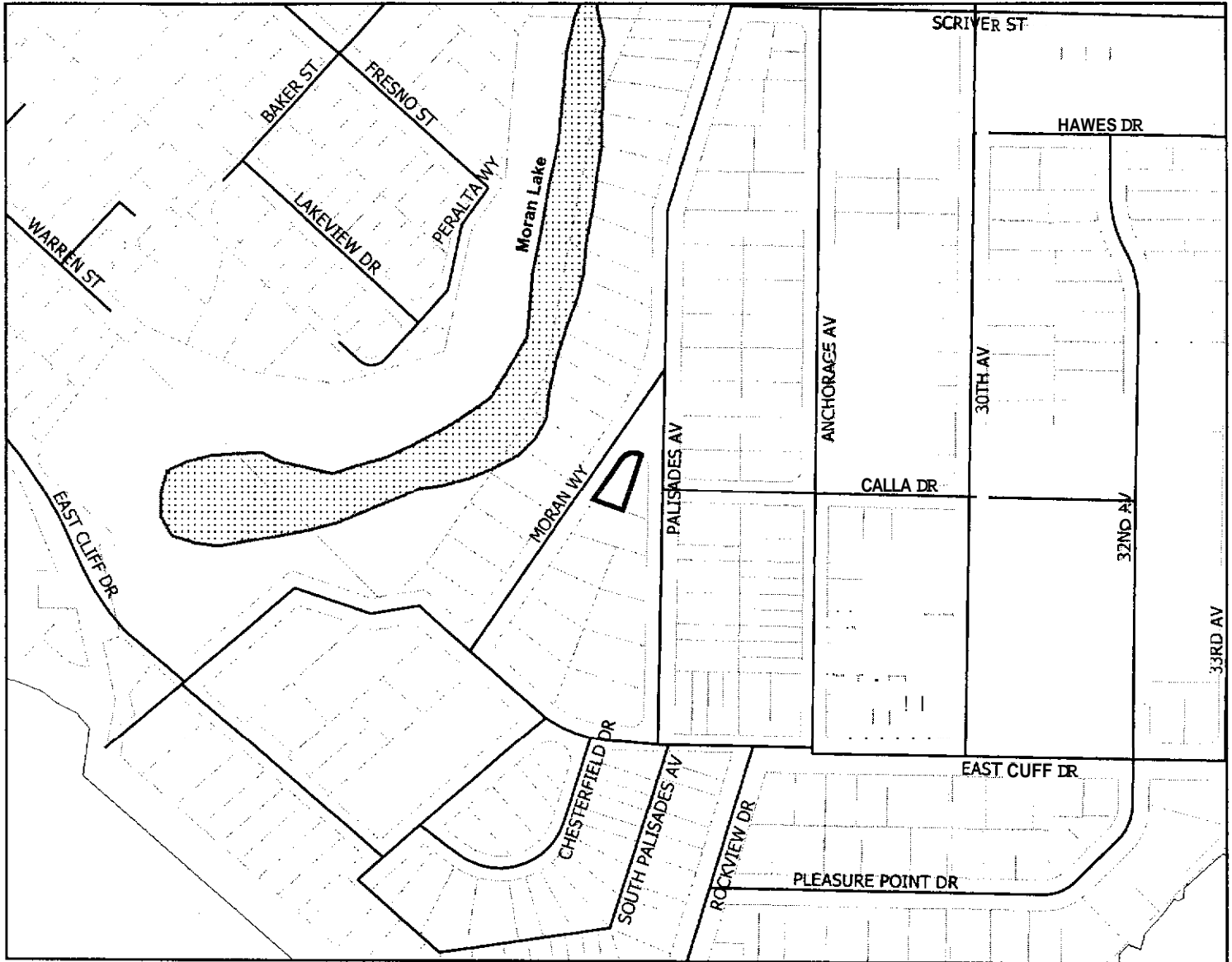
In addition, none of the conditions described in Section 15300.2 apply to this project.

Lawrence Kasparowitz, Project Planner

Date: _____



Location Map



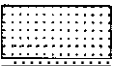
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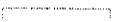
APN 028-301-01



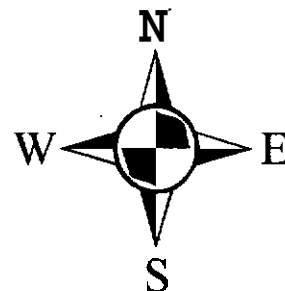
Streets



Lakes



Assessors Parcels

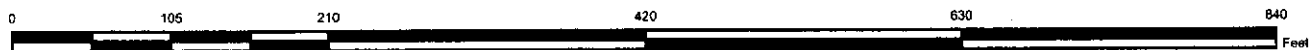
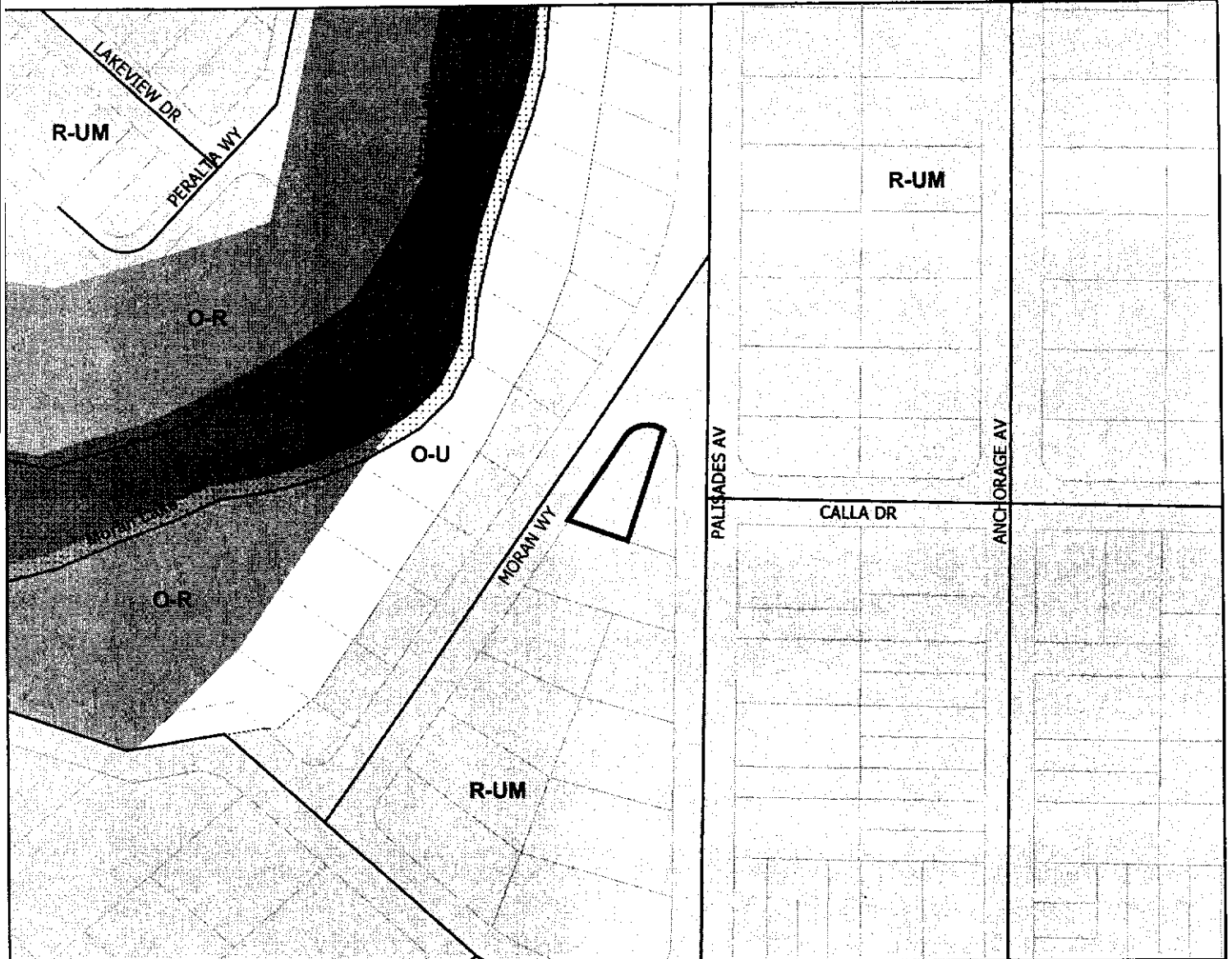


Map Created by
County of Santa Cruz
Planning Department
December 2005

EXHIBIT F

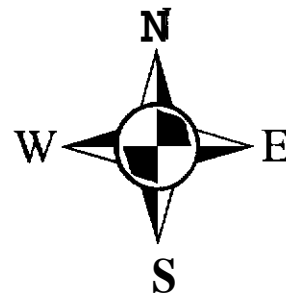


General Plan Designation Map



Legend

- APN 028-301-01
- Streets
- Assessors Parcels
- Lakes
- Residential - Urban Medium Density (R-UM)
- Parks and Recreation (O-R)
- Lake (O-L)
- Urban Open Space (O-U)

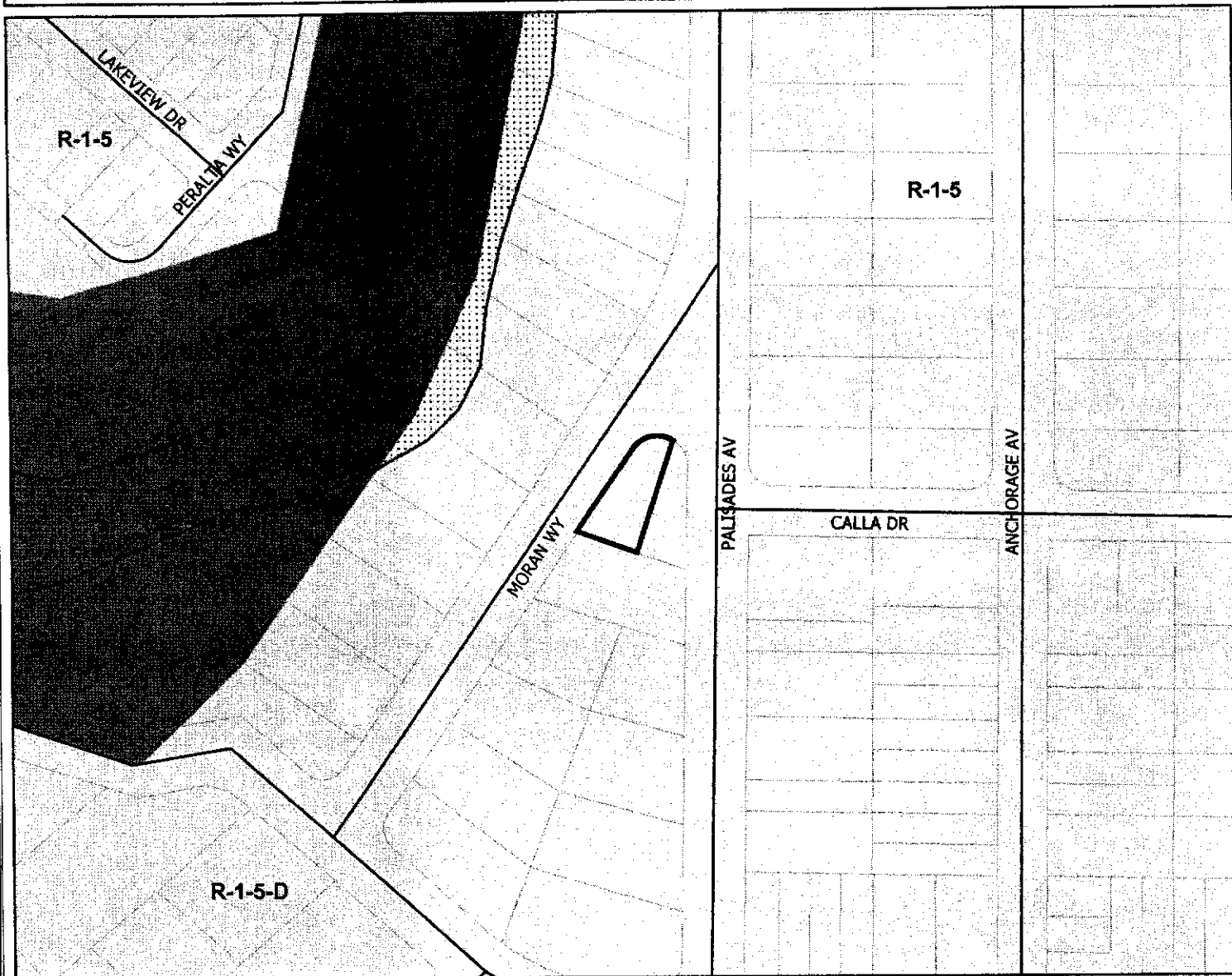


Map Created by
County of Santa Cruz
Planning Department
December 2001







EXHIBIT

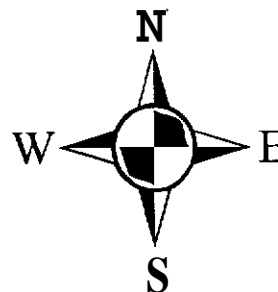


Zoning Map



Legend

-  APN 028-301-01
-  Streets
-  Assessors Parcels
-  Lakes
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  PARK (PR)



Map Created by
County of Santa Cruz
Planning Department
December 2005

15

EXHIBIT G

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Larry Kasparowitz
Application No.: 04-0657
APN: 028-301-01

Date: December 5, 2005
Time: 08:44:20
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JANUARY 10, 2005 BY JESSICA L DEGRASSI =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JANUARY 10, 2005 BY JESSICA L DEGRASSI =====
NO COMMENT

Dpw Drainage Completeness Comments

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

===== REVIEW ON JANUARY 20, 2005 BY JOHN G LUMICAO ===== 1. Show on the site plans the location of the swale and how the new downspouts are connected to the swale as stated? Show where and how the swale discharges the collected runoff? If the existing drainage patterns discharges runoff offsite, the rate of discharge to include the additional runoff from the development should be maintained at pre-dev. unless an offsite drainage structure accepting this runoff has enough capacity to convey the additional discharge.

===== UPDATED ON NOVEMBER 8, 2005 BY JOHN G LUMICAO ===== Application with plans rev. dated 9/20/05 is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues that must be addressed in the building application stage.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON JANUARY 20, 2005 BY JOHN G LUMICAO ===== A Zone 5 drainage fee will be assessed on the net increase in impervious area. You may be entitled to receive credit for pre-existing impervious areas to be demolished or removed. To receive credits, submit assessor's records and/or any other documentation of permitted structures to be demolished or removed to establish eligibility for fee credits.

===== UPDATED ON NOVEMBER 8, 2005 BY JOHN G LUMICAO ===== Please include construction details for the dissipator. Detail such as rock dimension, energy dissipater dimension, etc. in the site plans.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JANUARY 6, 2005 BY DEBBIE F LOCATELLI =====
===== UPDATED ON OCTOBER 13, 2005 BY DEBBIE F LOCATELLI =====
No further comments

Dpw Driveway/Encroachment Miscellaneous Comments

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz
Application No.: 04-0657
APN: 028-301-01

Date: December 5, 2005
Time: 08:44:20
Page: 2

===== 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 (Moran Way is not county maintained, however, Palisades Avenue is). Building plans shall include all work proposed in the County right-of way.

===== UPDATED ON OCTOBER 13, 2005 BY DEBBIE F LOCATELLI =====

No further comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JANUARY 20, 2005 BY GREG J MARTIN =====

Please an existing site plan and a proposed site plan separately. Show the structural section for any driveway improvements. If you have any questions please contact Greg Martin at 831-454-2811. ===== UPDATED ON NOVEMBER 4, 2005 BY GREG J MARTIN =====

The plans are not complete. An existing and proposed site plan should be shown separately. The plan shown does not show sufficient detail to identify where the existing house is and how the proposed project relates to it.

The radii of the driveway should meet the standards in the County Design Criteria. The plans should reflect the standards in the Design Criteria and reference to an encroachment permit removed. ===== UPDATED ON NOVEMBER 4, 2005 BY GREG J MARTIN =====

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JANUARY 20, 2005 BY GREG J MARTIN =====

===== UPDATED ON NOVEMBER 4, 2005 BY GREG J MARTIN =====

14:37:39 Thu Dec 01, 2005

12/01/05
14:36:15

C O U N T Y O F S A N T A C R U Z
C H A R A C T E R I S T I C I N Q U I R Y S C R E E N

VIAPNP014LI
VIAPNS014LI

PARCEL NO.....: **028 301 01**
ASSESSEE NAME..: WOODLEY HENRY JOSEPH & JULIA M TRUSTEES
SITUS.....: 170 MORAN WAY SANTA CRUZ
MAILING ADDRESS: 170 MORAN WAY
 SANTA CRUZ CA 95062
USE CODE.....: SINGLE RESIDENCE

STRUCTURE DATA		
MAIN BUILDING...SQFT: 1149	NO. UNITS.....: 1	POOL.....: NO
YEAR BUILT(EST): 1947	HEAT.....: WALL	SPA.....: NO
TOTAL ROOM COUNT....: 5	CONCRETE..SQFT: 300	DECKS.....SQFT:
NO. BEDROOMS.....: 3	GARAGE...SQFT:	NO. FIREPLACES: 0
NO. BATHROOMS(F/H) ..: 2 / 0	CARPORT..SQFT:	ROOF.....: COMP.
MISC OTHER BUILDINGS: NO		

LAND DATA

WATER.....: PUBLIC
SANITATION.....: PUBLIC PARCEL SIZE (COMPUTER EST.).....SQFT: 3484.800
PARCEL NO.....: **028 301 01**

NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THIS DATA.

KEY NEW PARCEL NUMBER **AND** HIT ENTER, OR **PA2** TO EXIT. PF1=BASE INFO PF7=VALUE