



Staff Report to the Zoning Administrator

Application Number: **05-0408**

Applicant: Bert Lemke, Architect
Owner: William Gummere
APN: 054-331-05

Agenda Date: January 20, 2006
Agenda Item #: 7
Time: After 10:00 a.m.

Project Description: Proposal to construct a 576 square foot, 2-story addition to an existing townhouse for use as a Living Room and a Master Bathroom. Requires a Coastal Development Permit and a Minor Variation to Planned Unit Development Permit 77-1926.

Location: Project site located on Manresa Ct. in the Seascape Lagoon townhouse complex, off of Dolphin Drive in the Seascape portion of Aptos (105 Manresa Ct.)

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit and Minor Variation

Staff Recommendation:

- Approval of Application 05-0408, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

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

Parcel Information

Parcel Size:	About 2,875 square feet
Existing Land Use - Parcel:	Existing attached townhouse
Existing Land Use - Surrounding:	Townhouses and single-family dwellings
Project Access:	Manresa Court
Planning Area:	Aptos

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

Land Use Designation: R-UH (Urban High Residential)
Zone District: RM-3 (Multi-family residential, 3,000 square foot minimum)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Pinto Loam
Fire Hazard: Not a mapped constraint
Slopes: Site is mostly 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 significant increase in traffic (no new bedrooms)
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: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6

History

The townhouse parcel was created in 1979 by Land Division 77-1926-PUD. This Coastal Development Permit for an addition to the existing townhouse was accepted by the County Planning Department on June 29, 2005, and was deemed complete for further processing on September 2nd, 2005.

Project Setting and Scope

The project is located in the Seascapes neighborhood, off of Dolphin Drive in a neighborhood of townhouses, condominiums, and single-family dwellings. The project site is adjacent to a pond to the south of the project site, and is therefore located within the Coastal Zone Appeal Jurisdiction.

The owner proposes to construct a two-story, 576 square foot addition to the south of the existing townhouse. This addition will allow the construction of a living room on the lower level and a master bathroom on the upper level, with no increase in the number of bedrooms.

Zoning & General Plan Consistency

The subject property is about 2,875 square foot, located in the RM-3 (Multi-family residential, 3,000 square foot minimum) zone district, a designation which allows multi-family residential uses. The existing townhouse is a principal permitted use within the zone district and the proposed addition is consistent with the site's (R-UH) Urban High Residential General Plan designation.

Building envelopes were established under the Tentative Map for Planned Unit Development Permit 77-1926 PUD, delineated by the footprint of the proposed town houses. The proposed addition will result in an expansion of the footprint, requiring a Minor Variation to original permit in order to modify the building envelope. Private open space available to the property will remain above the 200 square feet required by County Code, and access to light and air for neighboring properties will be maintained due to the configuration of the existing town homes.

Local Coastal Program Consistency

The proposed townhouse addition is in conformance with the County's certified Local Coastal Program, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding development. The design and materials of the addition will match that of the existing complex. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program, and will therefore not interfere with public access to the beach, ocean, or other nearby body of water. As the addition will occur in an area already disturbed by existing development, no addition will result in no impacts to potentially sensitive habitat in the adjacent pond.

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 **05-0408**, 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: David Keyon
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3561
E-mail: david.keyon@co.santa-cruz.ca.us

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 RM-3 (Multi-family residential, 3,000 square foot minimum), a designation which allows residential uses. The project is an addition to an existing townhouse, which is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High 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 no easements or other development restrictions encumber 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 addition will maintain the same architectural style, materials, and colors as the existing townhouse complex.

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 townhouse 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 townhouse development. The project site is not visible from the beach, and will not interfere with public access to the coast, as the project is about ½ mile from the beach in an urbanized area.

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, as the proposed addition will be constructed at a location that will not result in a loss of light, air, and privacy to neighboring residences, and the addition will be required to comply with all applicable building, plumbing, and electrical codes. The addition will comply with all current energy standards.

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 the proposed addition will comply with the intent and purpose of the original Planned Unit Development Permit, as the addition will not result in an increase in density and adequate public and private open space will continue to be available to all units.

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 addition will not increase the density of the existing residential use, is therefore consistent with the use and density requirements specified for the Urban High Residential (R-UH) land use designation in the County General Plan.

The proposed addition will comply with Policy 8.1.3 (Residential Site and Development Standards Ordinance) in that the addition will comply with the height requirements established by the Planned Unit Development, and will not impede access to light, air, or open space for neighboring properties due to the layout of the townhouse complex.

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, as the addition will **be** required to meet all current codes for energy conservation. Furthermore, no new bedrooms will be added, so no additional traffic will be generated.

Application# 05-0408

APN: 054-331-05

Owner: William Gummere

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 addition will utilize the same materials, colors, and architectural style as the existing townhouse development, and will therefore be compatible with the surrounding development. The addition will not result in an increase in the number of units or an increase in the number of bedrooms, and will therefore not result in an increase in density or land use intensity.

Conditions of Approval

Exhibit A: Project plans, five sheets, drawn by Bert Lemke, dated 5/18/05 and revised 8/4/05.

- I. This permit authorizes the construction of a 576 square foot, two-story addition to an existing townhouse. 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.
- 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 and color of exterior materials and color of roof covering for Planning Department approval. Colors and materials must match those of the existing townhouses. Color boards must be in 8.5" x 11" format.
 2. A drainage plan. This plan shall show that the existing drainage patterns are maintained and that the addition will not adversely affect adjacent or downstream properties.
 3. **An** erosion control plan.
 4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
 - 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 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
 - E. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.

- 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.
- 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.
- V. As a condition of this development approval, the holder of this development approval ("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: _____

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: 05-0408

Assessor Parcel Number: 054-331-05

Project Location: 105 Manresa Court

Project Description: Construction of a small addition (less than 50% of existing dwelling).

Person or Agency Proposing Project: Bert Lemke, Architect

Contact Phone Number: (831) 688-6642

- 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: 15301(e): Additions to existing structures

F. Reasons why the project is exempt:

Addition is less than 50% of existing dwelling and is less than 2,500 square feet

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

David Keyon, Project Planner

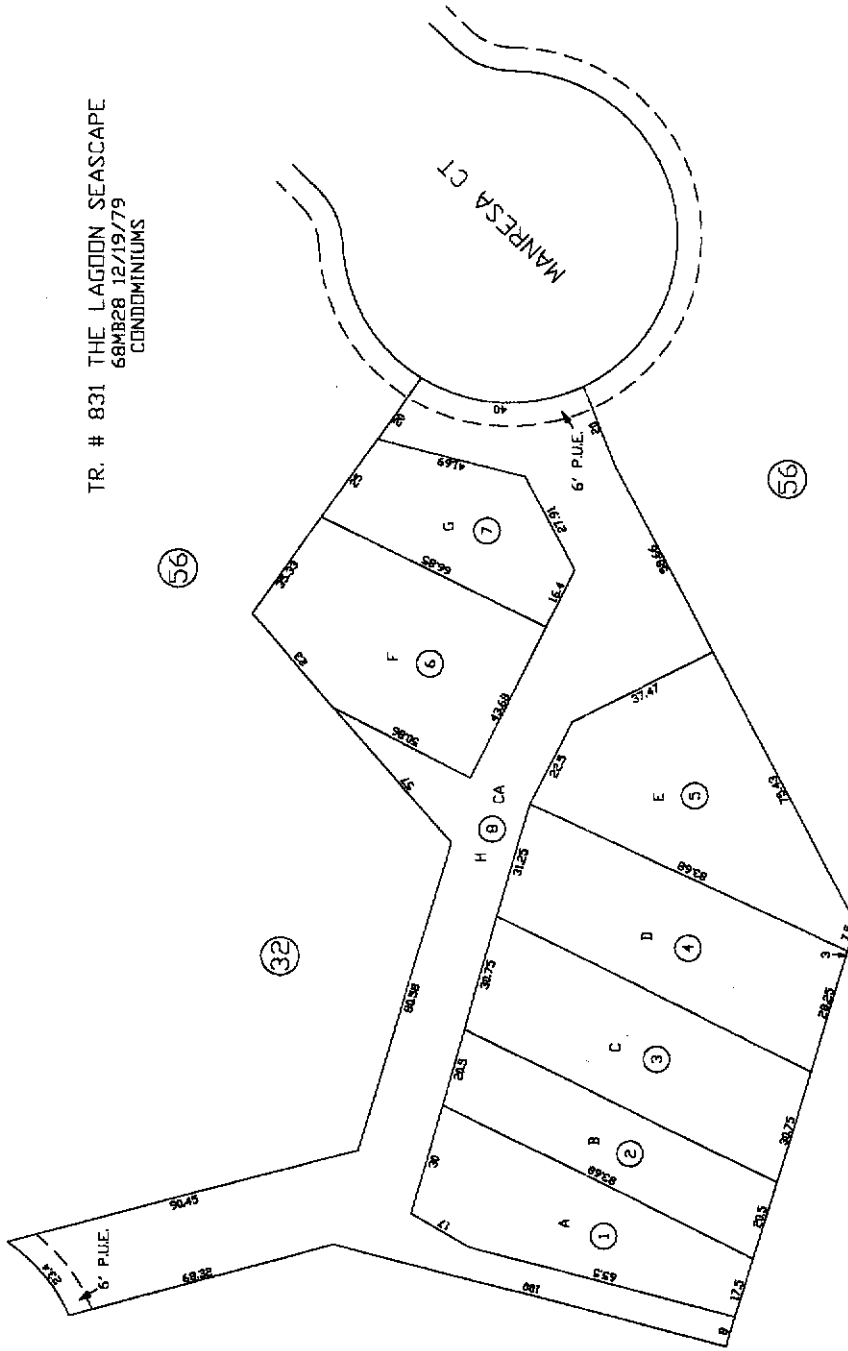
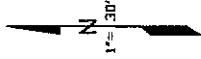
Date: _____

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 8000

POR. APTOS RANCHO
 SEC. 21, T.11S., R.1E., M.D.B. & M.

Tax Area Code
 69-267

54-33



TR. # 831 THE LAGOON SEASCAPE
 68MB28 12/19/79
 CONDOMINIUMS

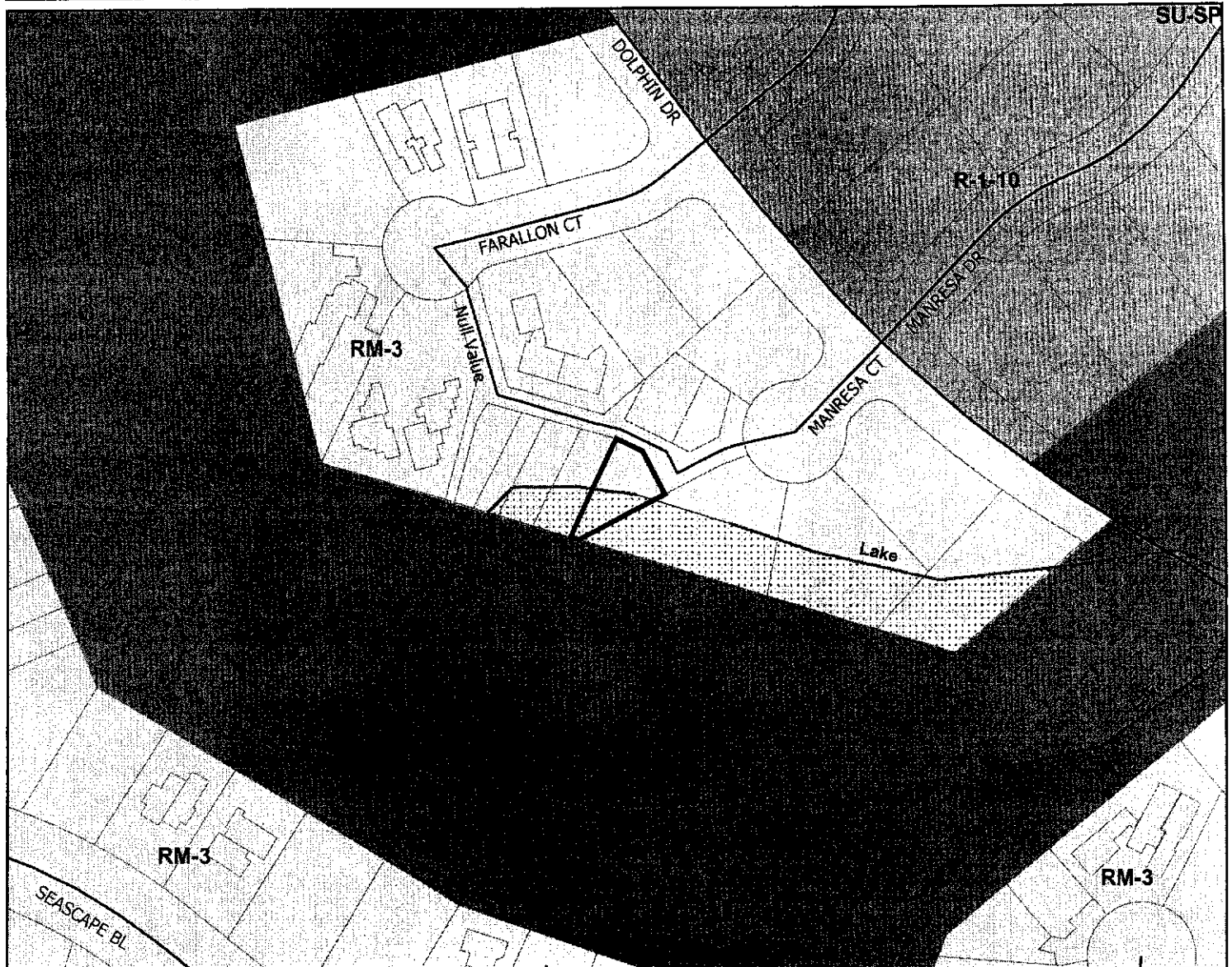
Assessor's Map No. 54-33
 County of Santa Cruz, Calif.
 Oct. 2000

Note - Assessor's Parcel & Block
 Numbers are Shown in Circles.








Electronically redrawn 10/22/00 KSA
 Rev. 6/13/01 nwn (changed page refs.)

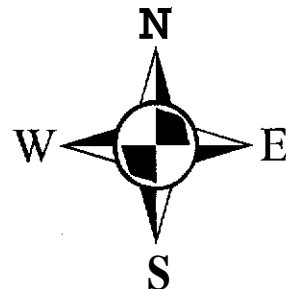


Zoning Map



Legend

-  APN 054-331-05
-  Assessors Parcels
-  Streets
-  Lakes
-  RESIDENTIAL-MULTIFAMILY (RM)
-  PARK (PR)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



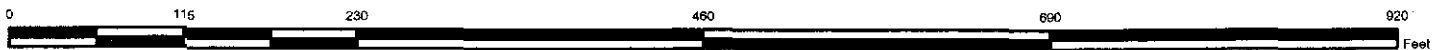
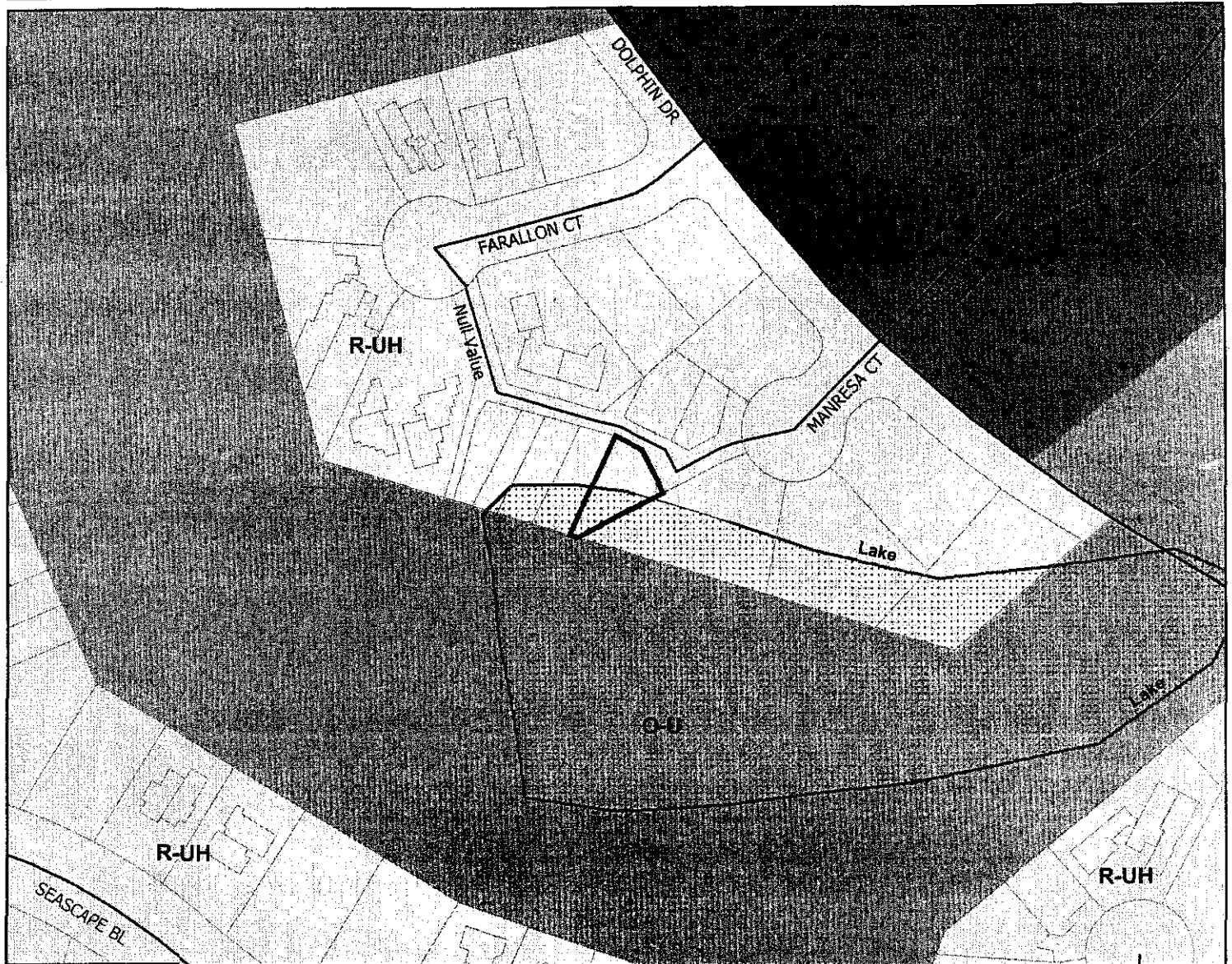
Map Created by
County of Santa Cruz
Planning Department
July 2005

13






EXHIBIT E

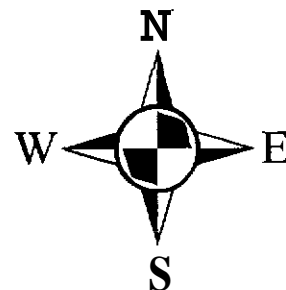


General Plan Designation Map



Legend

-  APN 054-331-05
-  Assessors Parcels
-  Streets
-  Lakes
-  Residential - Urban *High* Density (R-UH)
-  Residential - Urban Low Density (R-UL)
-  Urban Open Space (O-U)



Map Created by
County of Santa Cruz
Planning Department
July 2005

14