



Staff Report to the Zoning Administrator

Application Number: **07-0127**

Applicant: Patricia Numey

Owner: Patricia Numey

APN: 027-091-05

Agenda Date: July 20, 2005

Agenda Item #: **5**

Time: After 10:00 a.m.

Project Description: Proposal to remodel an existing significantly non-conforming, single family residence including foundation replacement, reconstruction of front deck and stairs, reconstruction of chimney and the addition of a parking space. Requires approval to recognize a reduced front setback (for the deck and dwelling) from 15 feet to about 4 feet, and the side setback from 2 feet from a chimney to about 1 foot and a Residential Development Permit for structural alterations to significantly nonconforming structure.

Location: 350 Lake Avenue, Santa Cruz

Supervisory District: Third District (District Supervisor: Neal Coonerty)

Permits Required: Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0127, based on the attached findings and conditions.

Exhibits

- | | |
|---|---------------------------------------|
| A. Project plans | E. Location map |
| B. Findings | F. General Plan map |
| C. Conditions | G. Zoningmap |
| D. Categorical Exemption (CEQA determination) | H. Discretionary Application Comments |

Parcel Information

Parcel Size:	3,528 sq. ft. (EMIS estimate)
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Single family residential
Project Access:	Lake Avenue
Planning Area:	Yacht Harbor -- Live Oak

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

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Land Use Designation: R-UH (Urban High Density Residential)
Zone District: R-1-3.5 (single family residential –
3,500 sq. ft. min. parcel size)
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: N/A
Fire Hazard: Not a mapped constraint
Slopes: 10 – 15 %
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
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

Project Setting

This project is located in the Yacht Harbor Special Community within the Live Oak Planning Area.

Project Description

The applicant is proposing to:

1. rebuild the foundation.
2. rebuild a non-conforming deck which is over 18" in height and is located up to the property line (on the western side of the lot).
3. rebuild garage walls with one hour separation
4. build wall at eastern single garage door.
5. remove (e) forced air unit at garage and install new unit at crawl space.
6. demolish and remove brick fireplace to flush with floor and build stud wall with gas fireplace.
7. rebuild bath – remove fixtures and install new (w/shower only instead of tub).
8. remove closet protruding from bedroom wall (projects into side yard) and fill in opening with materials to match.

9. rearrange kitchen and open wall to dining room.
10. remove eastern casement window at Family Room and fill in opening with materials to match.

Local Coastal Program Consistency

The existing single family residence 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 neighborhood. Developed parcels in the area contain single-family dwellings. *Size* and architectural styles vary widely in the area, and the design is remaining as it exists with minor revisions.

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. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Zoning & General Plan Consistency

The subject property is a 3,528 square foot lot, located in the R-1-3.5 (single family residential – 3,500 sq. ft. min. parcel *size*) zone district, a designation that allows residential uses. The existing single family residence is a principal permitted use within the zone district and the project is consistent with the site's (R-UH) Urban High Density Residential General Plan designation.

SITE DEVELOPMENT STANDARDS TABLE

	R-1-3.5 Standards	Proposed Residence
Front yard setbacks*:	15 feet (20' to front of garage)	4'-0" (north) <i>(non-conforming)</i> 47'-0" (south)
Side yard setbacks:	5 feet	0'-0" (west) <i>(non-conforming)</i> 2'-8" (east) <i>(non-conforming)</i>
Lot Coverage:	30 % maximum	29.7%
Floor Area Ratio (F.A.R.):	0.5:1 maximum (50 %)	38 %
Parking	1 bedroom – 2 (18' x 8.5')	one in garage one uncovered
* parcel has double frontages (Lake Avenue and Alta Lorna Lane)		

Significantly Non-conforming Structure

The existing structure qualifies as a significantly non-conforming structure in that the front of the structure is approximately four feet from the property line (right-of-way for Lake Avenue) per Section 13.10.265(k)5:

For the purposes of this section, a structure is significantly nonconforming if it is ...located within five feet of a vehicular right-of-way;



Figure 1. View of existing chimney



Figure 2. View of existing garage doors



Figure 3. View of existing entry steps and dry rot at porch

The applicant is requesting the structural alteration of a significantly nonconforming structure per Chapter 13.10.265 -

No structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly nonconforming structure unless a variance for improvements not allowed by), and a Level V Use Approval is obtained, in addition to all other approvals required pursuant to the County Code.

The applicant will be performing reconstruction and structural alterations to the significantly non-conforming portions of the structure, however all of the following restrictions either apply to the plans as submitted or will be conditions of approval (per County of Santa Cruz Code Section 13.10.265(e)):

1. The building permit(s) and/or development permits required by other Sections of the County Code are obtained for any structural alterations, including foundation repair/replacement.
2. There is no increase in the nonconforming dimensions of the structure.
3. Within any five-year period, no more than fifty (50) percent of the total length of the exterior walls within the nonconforming portions of the structure, exclusive of the foundation, shall be moved replaced or altered in any way.

4. The replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be included in this calculation.
5. The Planning Director may require that a termite inspector, registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that portions of the structure which the **plans** show as proposed to remain are in fact structurally sound and that it will not be necessary to alter such portions of the structure during the course of construction.
6. Where structural alterations to the nonconforming portions of a structure do not comply with the provisions of this subsection, a Variance Approval shall be required.

Staff believes that with the plans submitted and the above conditions, all of the required findings can be made (see Exhibit B).

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 within 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 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

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0127**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Residential 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 single family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, although the structure does not meet **all** current setbacks the structure will still provide 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, Although the structure is significantly non-conforming, approval has been requested to recognize the encroachments into the front and side setbacks. The conditions under which the residence would be operated or maintained will be consistent with the purpose of the R-1-3.5 (single family residential – 3,500 sq. ft. min. parcel size) zone district in that the primary use of the property will be one single family residence.

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 commercial use is consistent with the use and density requirements specified for the Urban High Density Residential (RUM) land use designation in the County General Plan.

The single family residence will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, greater than what exists. Approval has been requested to recognize the encroachments into the front and side setbacks

The proposed single family 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 proposed single family residence will comply with the standards for lot coverage, floor area ratio, height, and number of stories in the R-1-3.5 zone district for and will not change the basic size and form of the structure which is consistent with a design that could be approved on any similarly *sized* lot in the vicinity (except for the front and side yard setbacks **as** discussed in the staff report).

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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 single family residence exists.

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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family residence 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 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the single family residence is of an appropriate scale and **type** of design, does not reduce or visually impact available open space in the surrounding area, in that no significant changes **are** being made to the bulk or *size* of the existing structure.

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. The operation of the structure will remain a single family dwelling and it will not be operated in any way that is 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.

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. There are no goals or objectives of the County General Plan which affect the retention of this structure. A Specific Plan has not 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. The existing structure is a cottage which is in scale with the surrounding structures and the use will remain a single family dwelling.

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. The remodel of this residence does not include any increase in the non-conforming dimensions of the structure.

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Conditions of Approval

Exhibit A: Architectural drawings prepared by Bruce E. Keith, Architect dated

- I. This permit authorizes the remodeling of an existing significantly non-conforming, single family 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. The Planning Director may require that a termite inspector, registered engineer or other professional(s) acceptable to the Planning Director be retained at the applicant's expense to certify that portions of the structure which the plans show as proposed to remain are in fact structurally sound, and that it will not be necessary to alter such portions of the structure during the course of construction.
 - C. 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. One elevation shall indicate materials and colors as they were approved by this discretionary application. If specific materials and colors have not been approved with this discretionary application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval.
 2. Grading, drainage, and erosion control plans.

3. There shall be no increase in the nonconforming dimensions of the structure.
 4. A note on the plans shall include the following:
“Within any five-year period, no more than fifty (50) percent of the total length of the exterior walls within the nonconforming portions of the structure, exclusive of the foundation, shall be moved replaced or altered in any way. The replacement or alteration of the interior or exterior wall coverings or the replacement of windows and doors without altering their openings will not be included in this calculation. Where structural alterations to the nonconforming portions of a structure do not comply with the above provisions, a Variance Approval shall be required.”
- D. 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.
 - E. 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.
 - F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - G. 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. The project must comply with all recommendations of the approved soils 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-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in

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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 ("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.

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Please note: This permit expires on the expiration date listed below unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

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: 07-0127

Assessor Parcel Number: 027-091-05

Project Location: 350 Lake Avenue, Santa Cruz

Project Description: Proposal to remodel an existing significantly non-conforming dwelling, including foundation replacemtn, reconstruction of front deck and stairs and reconstruction of a chimney.

Person Proposing Project: Patricia Numey

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. _____ 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:

Remodel of small structure

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

Lawrence Kasparowitz, Project Planner

Date: _____

350 Lake Avenue

☒ Overview

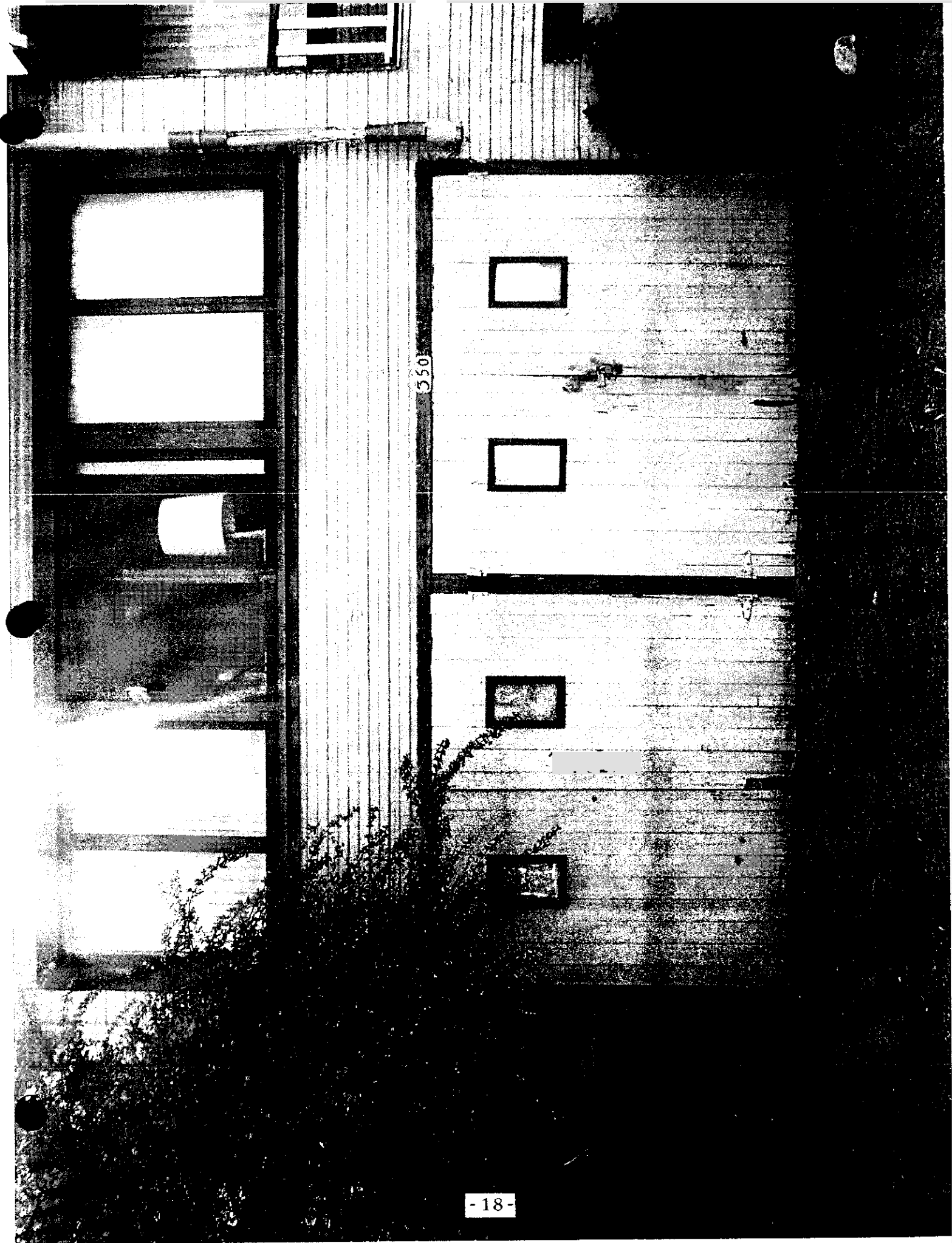
Legend

- Parcel (Assessor)
- Parcel (Assessor)
- State Highways
- City Limits
- Santa Cruz County Boundary
- 6 in. Pixel



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