



Staff Report to the Zoning Administrator

Application Number: **07-0127**

Applicant: Patricia Numey
Owner: Patricia Nurney
APN: 027-091-05

Agenda Date: January 18, 2008
Agenda Item #: **1**
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 a Coastal Development Permit, Residential Development Permit (alteration will increase the required front yard setback from approximately 4 feet to over 5 feet to remove the significantly nonconforming portion of the existing structure).

Location: 350 Lake Avenue, Santa Cruz

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

Permits Required: Coastal Development Permit, 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. Zoning map |
| 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

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

According to the Assessor's records, this cottage was built in 1937. Evidence of dry rot and structural fatigue are evident. In order to extend the useful life **of** the building, 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 (**see** Figure 2).
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 (see Fig. 1).
9. rearrange kitchen and open wall to dining room.
10. remove eastern casement window at Family Room and filling in the 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. A. 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)	5'-0" (north) (significantly non-conforming as existing – less than 5 ft.) 47'-0" (south)
Side yard setbacks:	5 feet	0'-0" (west) (non-conforming) 2'-8" (east) (non-conforming)
Lot Coverage:	30 % maximum	29.7%
Building Height:	28 feet maximum	26'-0" ±
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

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**). Less than **five** feet from the right of way qualifies a structure as *significantly* non-conforming. There is no increase in the nonconforming *dimensions* proposed for the structure. This project will negate the non-conforming **aspects** of the existing structure by bringing the front exterior walls back to a **five feet** setback.

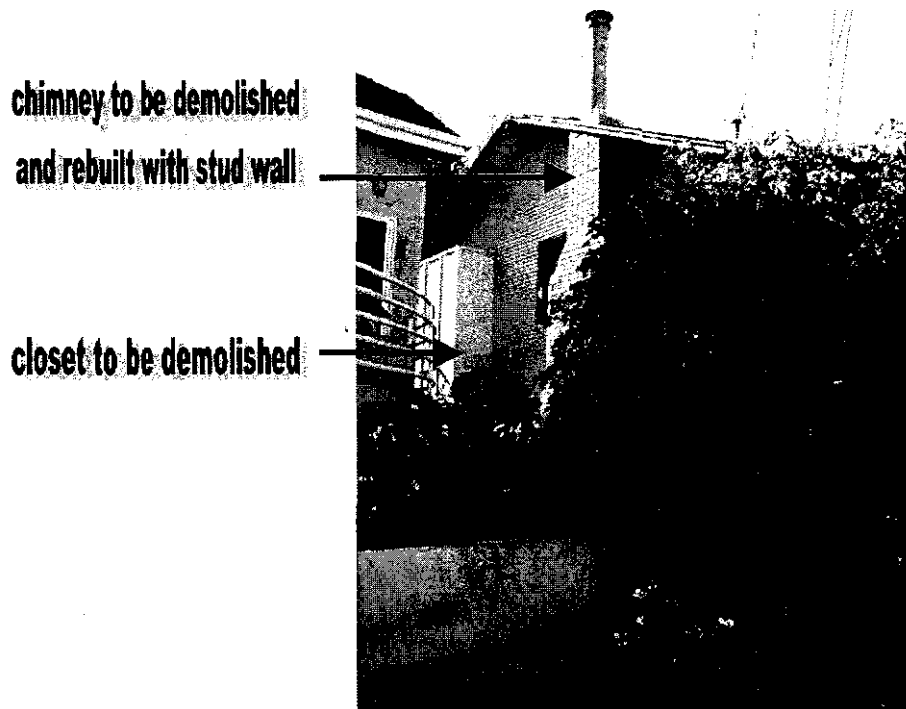


Figure 1. View of *existing* chimney

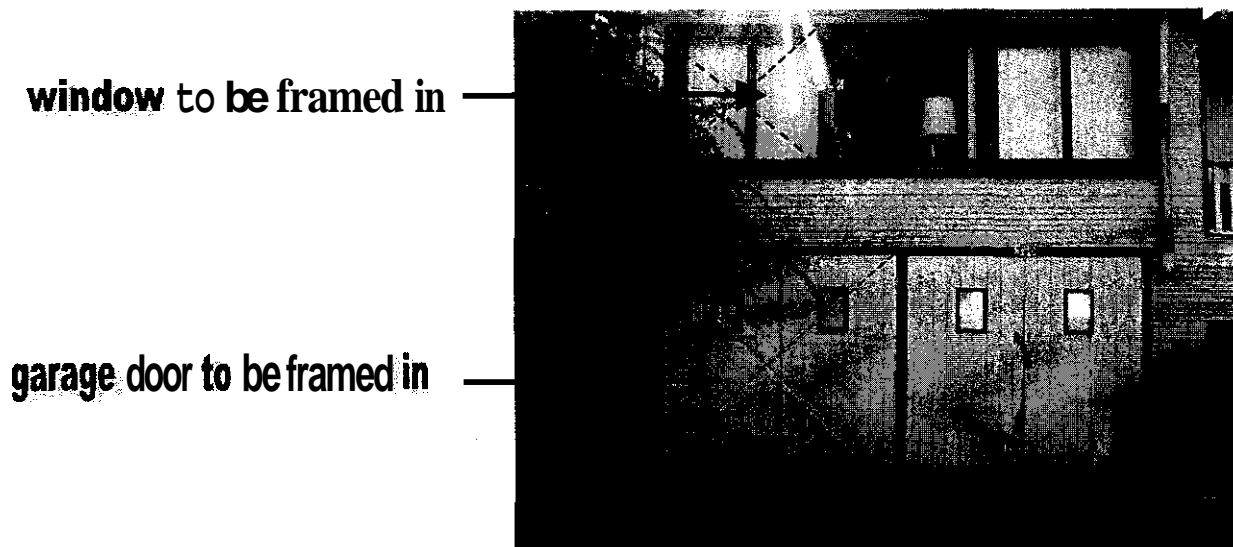


Figure 2. View of *existing* garage doors

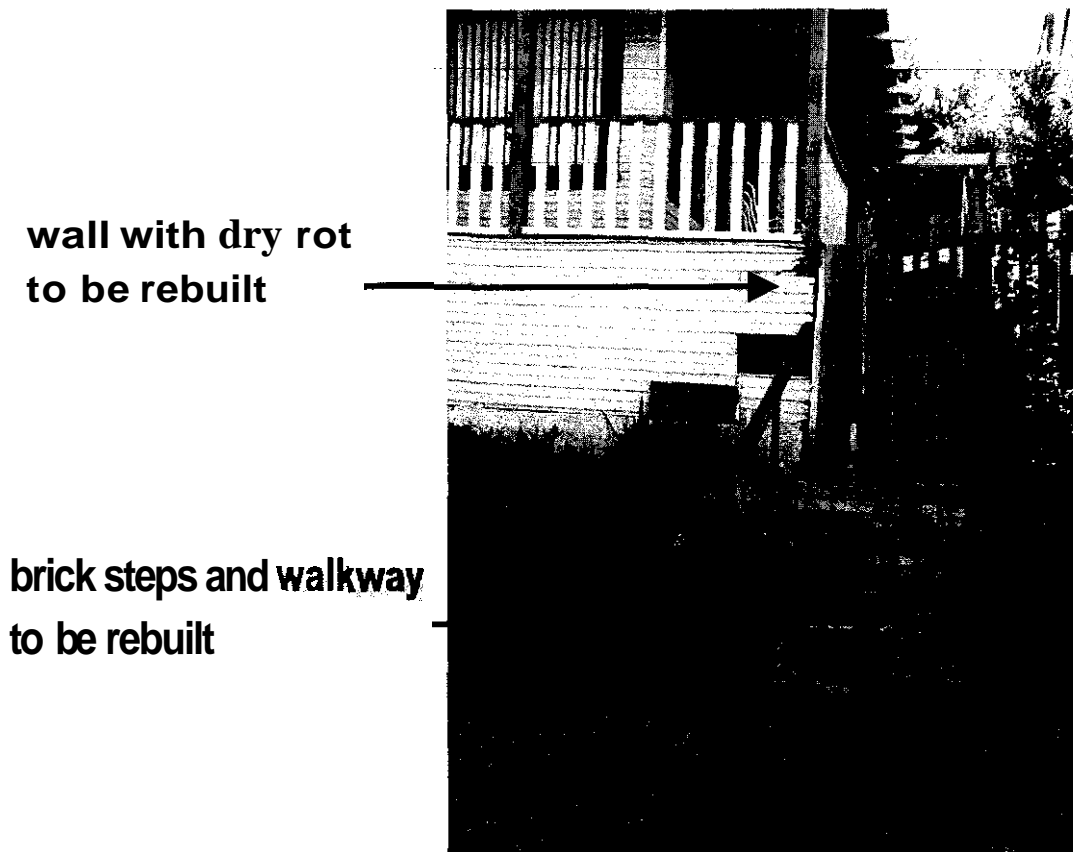


Figure 3. View of existing entry steps and dry rot at porch

Policy Interpretation NCS-02 clarifies the language in Section 13.10.265 (e) of the County Code, which pertains to improvements to a significantly non-conforming structure. Any alteration or structural improvements *within the setbacks of the zone district* would require a variance.

A Policy Forum discussion ~~was~~ held after this application was submitted. It was decided that the significantly non-conforming portion of the structure could be removed and then the structure would be treated as a "standard" non-conforming structure. The requirements for alterations to a non-conforming structure would then apply.

Non-conforming structures may be altered according to the following section of the County Code (13.10.265 (e) 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. 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."

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."

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 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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E-mail: pln795@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 R-1-3.5 (3,500 sq. ft. min. site area), a designation that allows residential uses. The single family dwelling is a principal permitted **use** within the zone district, consistent with the site's (R-UH) Residential Urban High Density 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.

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 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; the development site is not on a prominent ridge, beach, or bluff top.

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 single family dwelling **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 visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-3.5 (3,500 sq. ft. **min.** site area) zone district of the area, **as** well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings.

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 dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that there is no increase in the *size* of the existing structure.

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 single family dwelling and the conditions under which it would be operated or maintained will be consistent with **all** pertinent County ordinances and the purpose of the R-1-3.5 (3,500 sq. A. min. site area) zone district in that the primary use of the property will be one single family dwelling that meets all current site standards for the zone district (except for minor intrusions at the upper levels only into the front and side setbacks).

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 Residential Urban High Density (R-UH) land use designation in the County General Plan.

The proposed single family dwelling 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 single family dwelling will not adversely shade adjacent properties, and will meet current setbacks (except for minor intrusions at the upper levels only into the front and side setbacks) for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single family dwelling 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 single family dwelling.

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 project is on a developed lot with no increase in density proposed.

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 single family dwelling 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 proposed single family dwelling will be **of** an appropriate scale and **type of** design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The single family dwelling complies with the requirements of the County Design Review Ordinance (Section 13.1I), and the Yacht Harbor Special Community design requirements (Section 13.20) in that the design contains wood siding and pitched roofs.

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.

4. 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).

A specific plan has not been adopted for this portion of the County.

5. 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.

6. 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 **o f** 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.

7. 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 **o f** 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.

Conditions of Approval

Exhibit **A**: Architectural drawings prepared by Bruce E. Keith, Architect dated 12/4/07.

Survey prepared by Ifland Survey, dated 8/10/07.

- I. This permit authorizes the structural alteration and 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 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.

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: _____

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.: 07-0127
APN: 027-091-05






Date: May 21, 2007
Time: 11:50:25
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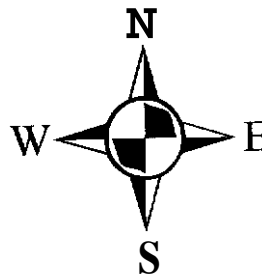


Location Map



Legend

-  APN 027-091-05
-  Assessors Parcels
-  Streets
-  Railroads
-  Lakes

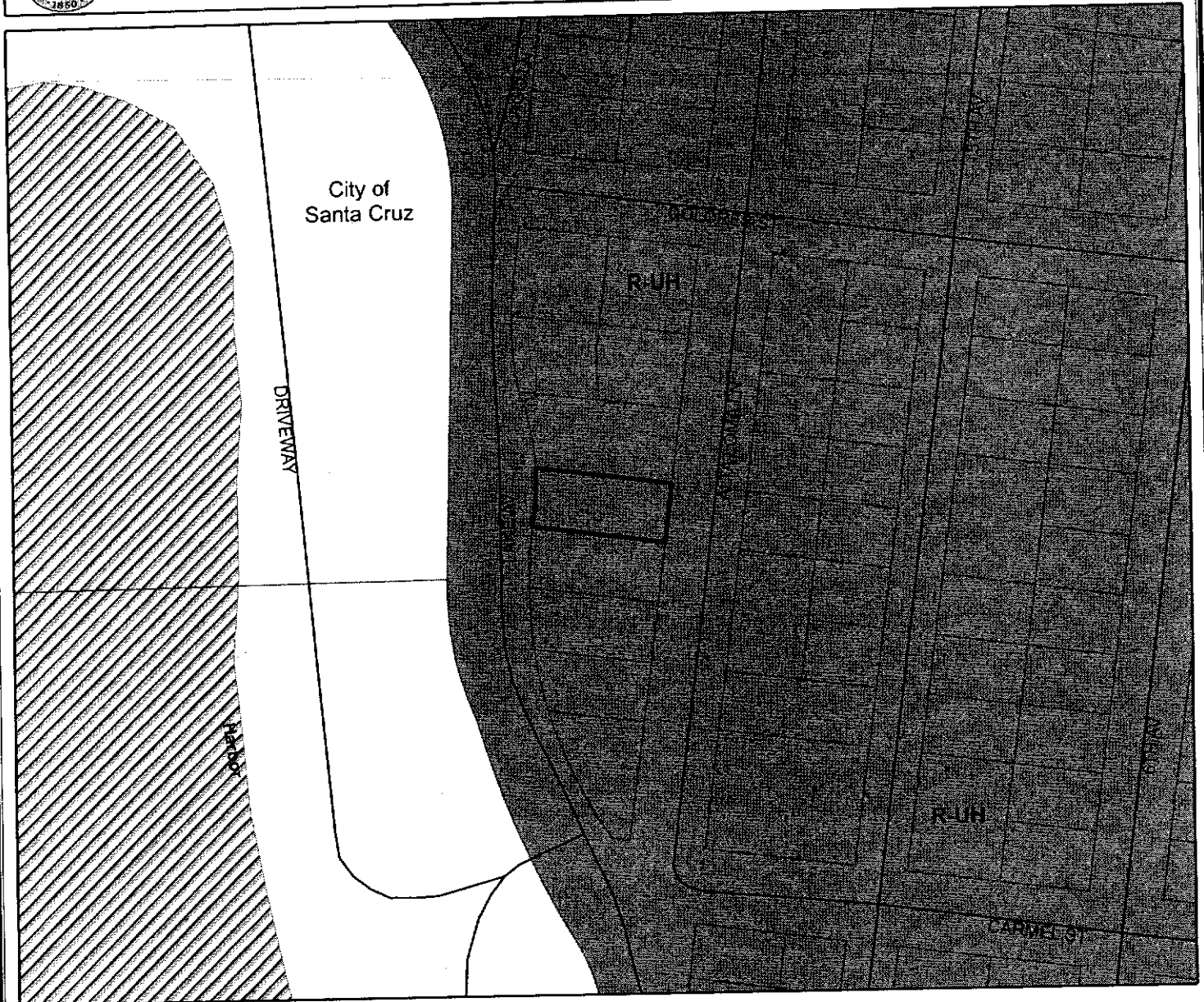


Map Created by
County of Santa Cruz
Planning Department
March 2007






EXHIBIT E



General Plan Designation Map



Legend

-  APN 027-091-05
-  Assessors Parcels
-  Streets
-  Lakes
-  Residential - Urban High Density (R-UH)

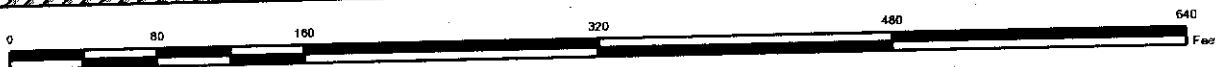
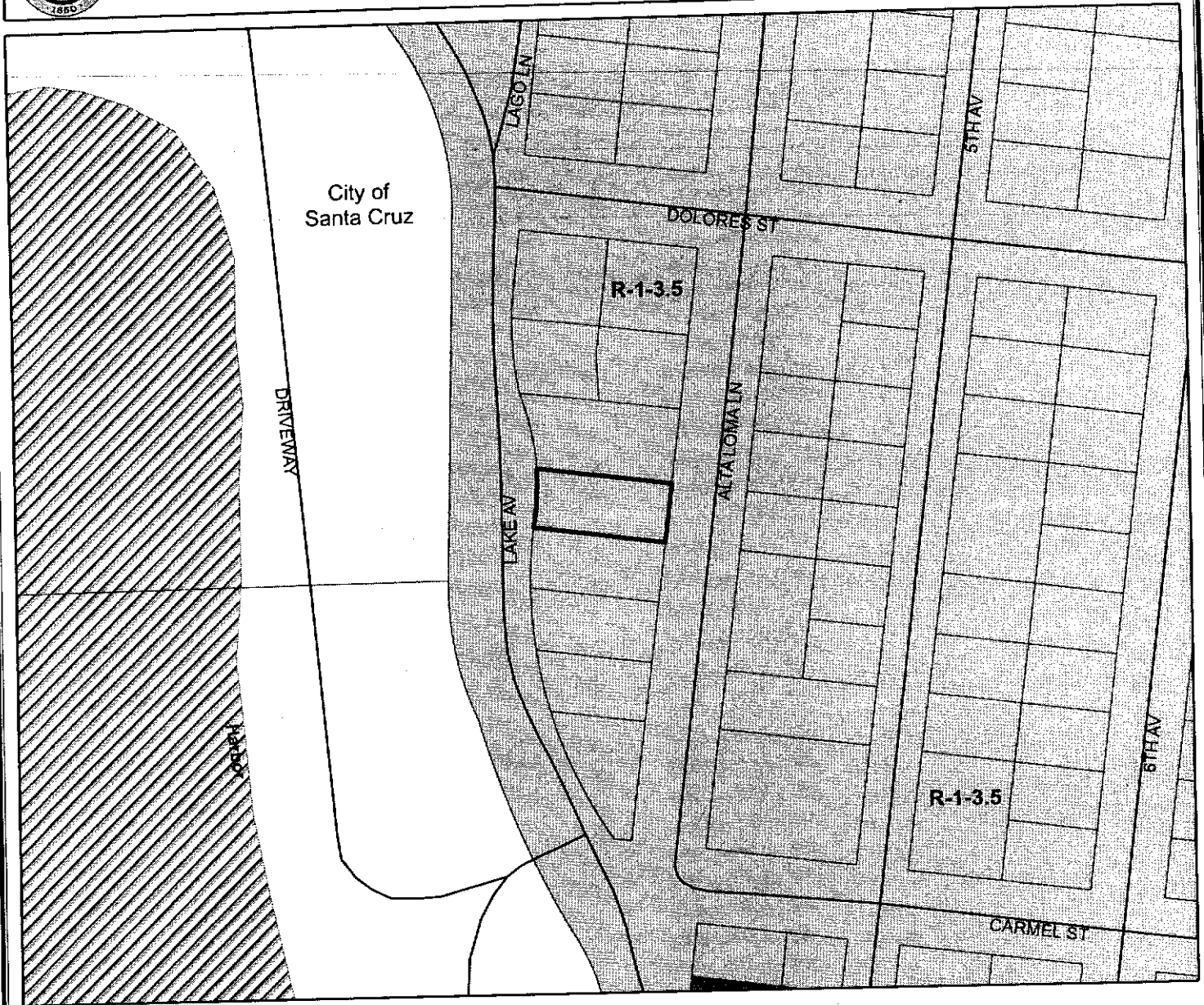
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Map Created by
County of Santa Cruz
Planning Department
March 2007

EXHIBIT F

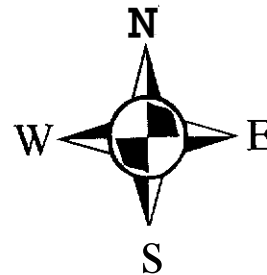


Zoning Map



Legend

- APN 027-091-05
- Assessors Parcels
- Streets
- Lakes
- RESIDENTIAL-SINGLE FAMILY (R-1)



Map Created by
County of Santa Cruz
Planning Department
March 2007

EXHIBIT G



