



Staff Report to the Zoning Administrator

Application Number: **07-0558**

Applicant: Marty Fiorovich
Owner: Gregory Dougherty
APN: 052-291-08

Agenda Date: September 5, 2008
Agenda Item #: 1
Time: After 10:00 a.m.

Project Description: Proposal to construct a new 516 square foot attached garage and a 1,012 square foot residential addition to an existing 4-bedroom 2,259 square foot single-family residence, resulting in a 3,145 square-foot 4-bedroom residence. Requires a Coastal Development Permit.

Location: The property is located at 45 Shearwater Lane, at the end of Shearwater Lane in Pajaro Dunes.

Supervisory District: Second District (District Supervisor: Ellen Pirie)

Permits Required: Coastal Development Permit
Technical Reviews: Flood Geohazards Assessment

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0558, based on the attached findings and conditions.

Exhibits

- | | |
|---|--------------------------|
| A. Project plans | E. Location Map |
| B. Findings | F. Assessor's parcel map |
| C. Conditions | G. Zoning map |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	8,678 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	Driveway off Shearwater Lane
Planning Area:	San Andreas
Land Use Designation:	R-UL (Urban Low Residential)

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

Zone District: SU (Special Use)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Flood Geologic Hazards Assessment conducted per FEMA requirements
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: Gently sloped
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: < 70 cubic yards at driveway entry
Tree Removal: No trees proposed to be removed
Scenic: In Scenic Resources area (adjacent to beach)
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Rural Services Line: Inside Outside
Water Supply: Public
Sewage Disposal: Public Sewer
Fire District: County Fire
Drainage District: Zone 7

History

On May 24, 1966, Building Permit # A 10747 was approved for the construction of a 4 bedroom, 3 1/2 bath two-story single-family dwelling with no garage on the subject property. Driveway Permit #66-3515 was also issued. No other permit records (other than the current application) are available.

Project Setting

The property is an oceanfront residential parcel in the Pajaro Dunes area surrounded by other residential parcels of similar size that are developed with residences (many are also two-story) of a similar scale. The parcel is sloped gently upward from the road, and the undeveloped areas of the parcel are primarily covered in tall coastal grasses. To the rear of the parcel, there is a low rip-rap bluff protection seawall at the edge of the sandy beach.

Zoning & General Plan Consistency

The subject property is an 8,678 square foot lot, located in the SU (Special Use) 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-UL) Urban Low Residential General Plan designation.

Local Coastal Program Consistency

The proposed addition to a single-family residence is in conformance with the County's certified Local Coastal Program, in that the addition 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 in the area, and the design submitted is consistent with the existing range. The project site is located between the shoreline and the first public road, but is not identified as a priority acquisition site in the County's Local Coastal Program. The proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Design Review

The proposed addition to a single-family residence is in a mapped Scenic Resources area (adjacent to a beach), and received Design Review and Neighborhood Compatibility review from the County Urban Designer. It was determined that the project complies with the requirements of the County Design Review Ordinance, in that the proposed addition and new garage will incorporate site and architectural design features such as natural colors, cedar shingles and long horizontal lines to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15301(e) (Class 1- Existing Facilities).

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 07-0558, 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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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.

The property is zoned SU (Special Use), a designation which allows residential uses. The proposed single-family residence is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Residential General Plan designation.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

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 beachfront neighborhood in terms of architectural style, the site is surrounded by lots that are developed to a similar density, and the colors and materials will be natural in appearance and complementary to the site.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is located between the shoreline and the first public road, but will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the SU (Special Use) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Other developed parcels in the area contain single-family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to an existing single-family residence will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the single-family residential addition and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the SU (Special Use) zone district in that the primary use of the property will continue to be one single-family 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 Low Residential (R-UL) land use designation in the County General Plan.

The proposed single-family residential addition will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family residential addition will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed addition to a 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 addition to a single-family residence will comply with the site standards for the SU 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 PUD has been adopted for Pajaro Dunes, and the proposed project is in conformity with the conditions of the PUD. The Pajaro Dunes Homeowners' Association has submitted a letter of approval for the project.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed addition to an existing single-family residence is not anticipated to generate any additional peak trips per day, and the expected level of traffic generated by the proposed project is anticipated to be *de minimus* and will not adversely impact existing roads and intersections in the surrounding area.

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 structural addition is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single-family residential addition 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 residential addition will be of an appropriate scale and type of design that will be compatible with the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the vicinity.

Conditions of Approval

Exhibit A: Project Plans, 6 sheets, by Martha Fiorovich, Architect, dated November 2007 and revised May 19, 2008

- I. This permit authorizes the construction of a 516 square foot garage and a 1,012 square foot residential addition to an existing 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 a Grading Permit from the Santa Cruz County Building Official.
 - D. 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. Record a Declaration of Geologic Hazards and submit proof that the Declaration has been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - 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. 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. The proposed metal roof shall be pre-patinated material.
 3. Grading, drainage, and erosion control plans.
 4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement

of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure. Maximum height is 28-feet.

4. Details showing compliance with fire department requirements, including all requirements of the Urban Wildland Intermix Code, if applicable.
- 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.
- E. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- F. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- G. Meet all requirements and pay any applicable plan check fee of the County Fire Protection District.
- H. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- I. Provide construction details of all drainage features on site. Delineate the existing from the proposed, and indicate how runoff will be handled.
- J. Provide required off-street parking for 3 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.
- K. 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.
- L. Should the repair, reconstruction, rehabilitation, addition, alteration or improvement to this structure, or the cumulative total of such activities as defined in Section 16.10.040(r), equal or exceed 50 percent of the market value of the structure immediately prior to the issuance of the building permit, the structure will be required to meet all FEMA regulations including elevation of habitable space. In order to confirm that the project will not exceed 50 percent valuation, the applicant shall:
 1. Submit an evaluation of the existing superstructure, prepared and certified by a

structural engineer, stating that there is no indication that additional demolition or construction, beyond that shown on the plans, should be anticipated due to the condition of the existing construction.

2. Submit a pest damage report to certify that no additional repair or reconstruction beyond the scope of the project as proposed, will be required.
 - M. Submit a written statement signed by the architect certifying that the project does not exceed \$212,999 in valuation.
- 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 that 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 listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Application #: 07-0558
APN: 052-291-08
Owner: Gregory Dougherty

Don Bussey
Deputy Zoning Administrator

Alice Daly
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: 07-0558

Assessor Parcel Number: 052-291-08

Project Location: 45 Shearwater Lane Watsonville, CA 95076

Project Description: Construct a 516 square foot garage and a 1012 square foot residential addition to an existing single-family dwelling.

Person or Agency Proposing Project: Marty Fiorovich

Contact Phone Number: 831-724-1878

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. **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: Section 15301(e): Existing Facilities (additions to)

F. Reasons why the project is exempt:

An addition to an existing structure of less than 50% of the existing, and under 2,500 square feet.

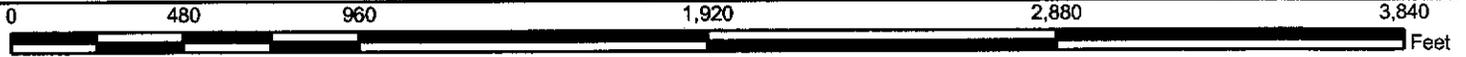
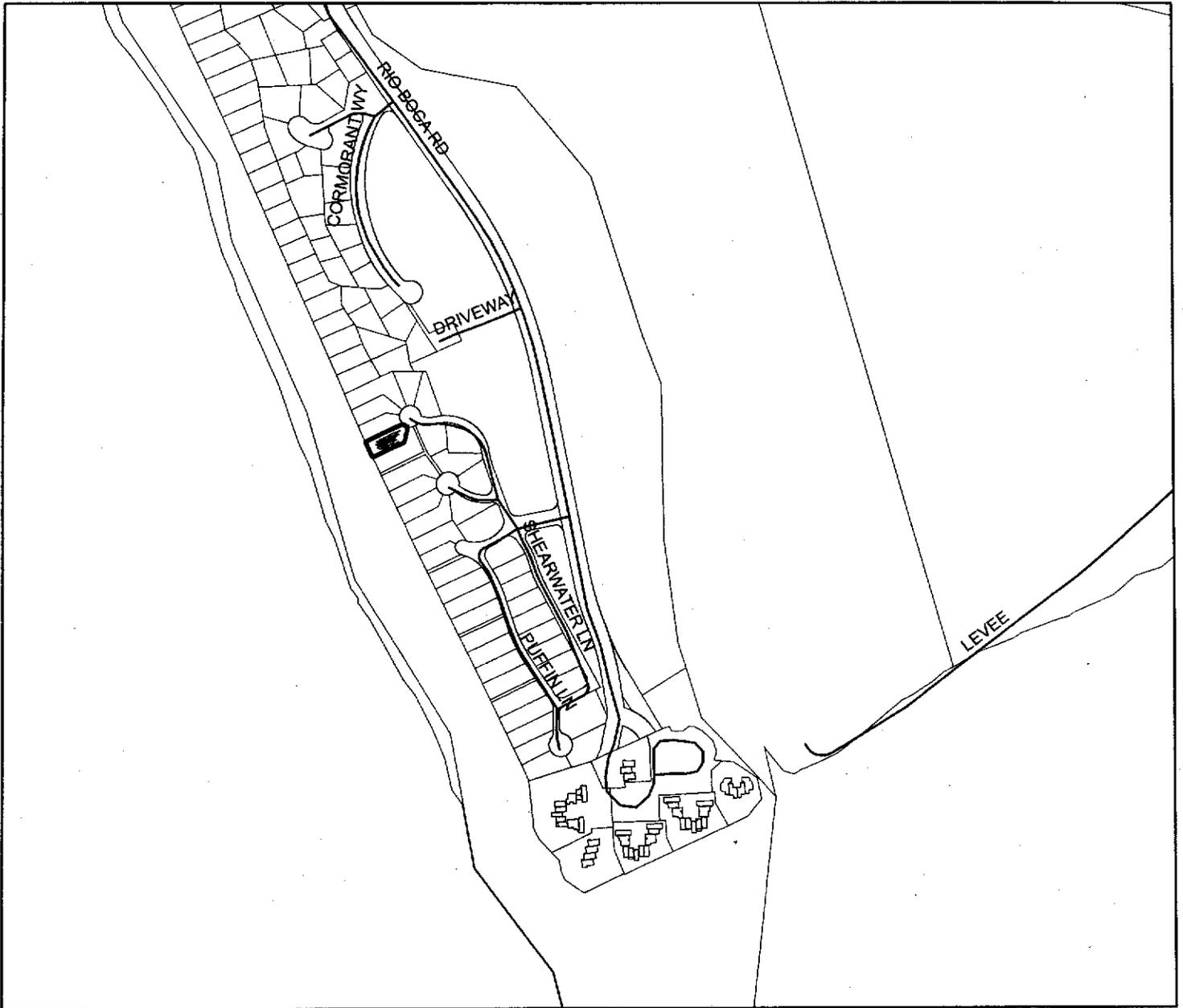
In addition, none of the conditions described in Section 15300.2 apply to this project.

Alice Daly, Project Planner

Date: _____

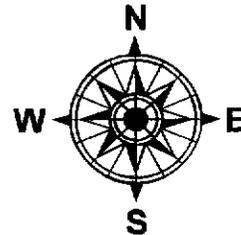


Location Map



LEGEND

-  APN: 052-291-08
-  Assessors Parcels
-  Streets
-  County Boundary



Map created by
 County of Santa Cruz
 Planning Department
 August 2007

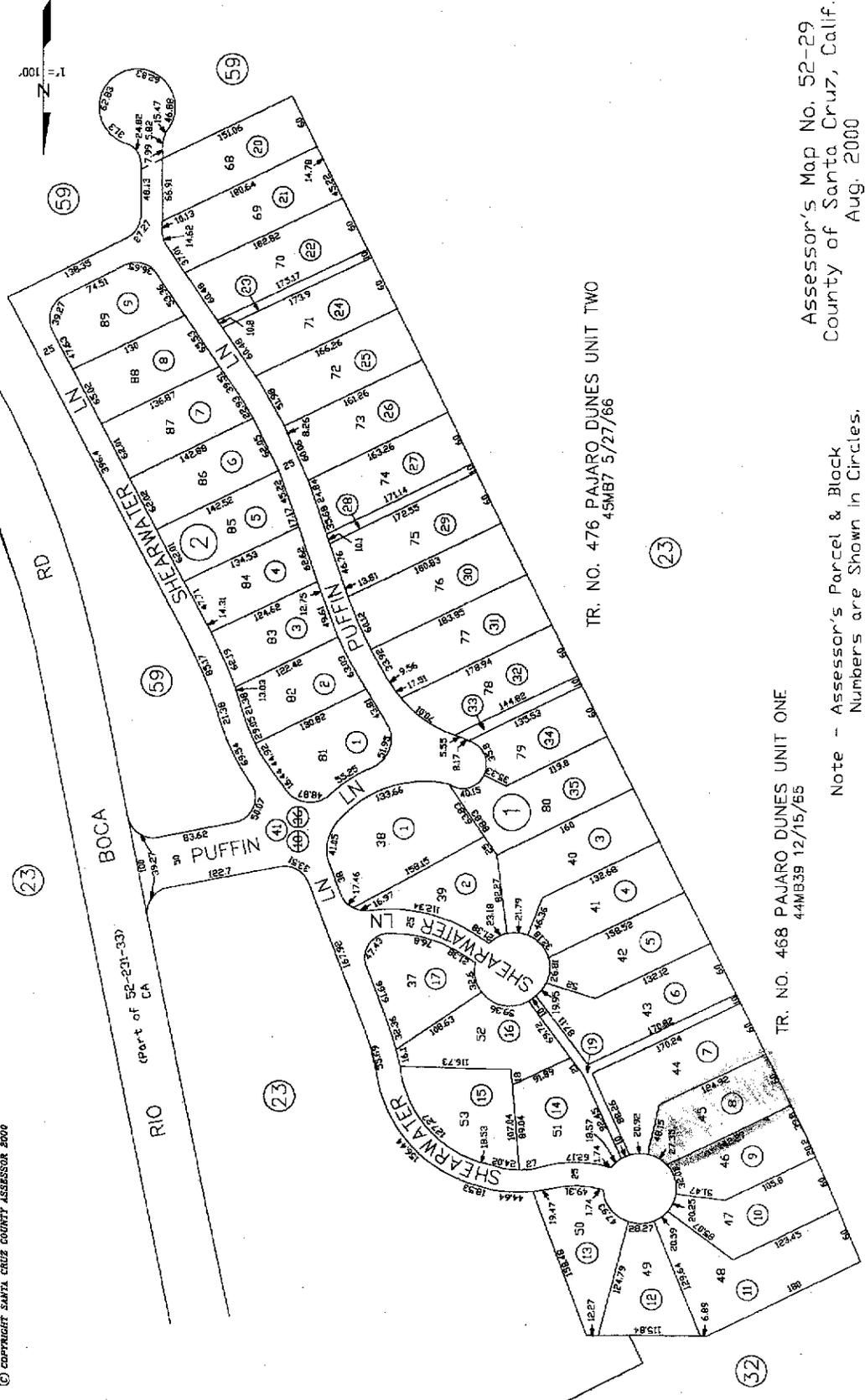
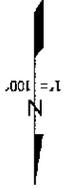
EXHIBIT E

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.
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POR. SEC. 25, T.12S., R.1E., M.D.B. & M.

Tax Area Code
 69-261

52-29



TR. NO. 468 PAJARO DUNES UNIT ONE
 44MB39 12/15/85

TR. NO. 476 PAJARO DUNES UNIT TWO
 45MB7 5/27/86

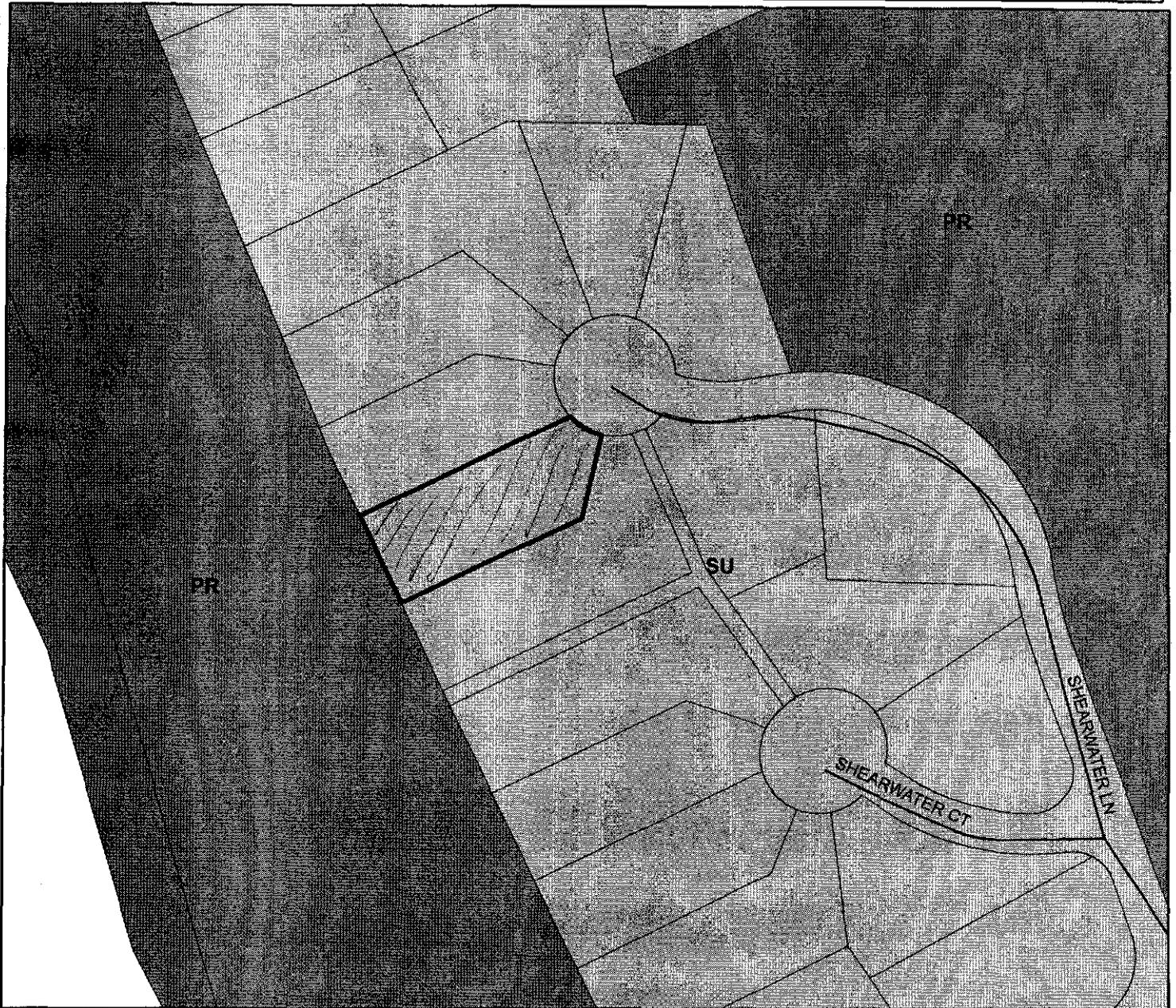
Assessor's Map No. 52-29
 County of Santa Cruz, Calif.
 Aug. 2000

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

Rev. 8/19/00 KSA Form 5/19/00 KSA
 Electronically redrawn 5/19/00 KSA

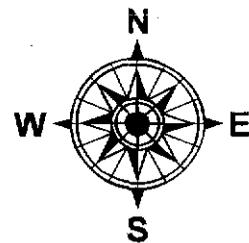


Zoning Map



LEGEND

-  APN: 052-291-08
-  Assessors Parcels
-  Streets
-  County Boundary
-  SPECIAL USE
-  PARK



Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT G