



## Staff Report to the Zoning Administrator

Application Number: **08-0278**

**Applicant:** Judy Miller  
**Owner:** Pat O'Neill  
**APN:** 028-242-08

**Agenda Date:** September 19, 2008  
**Agenda Item #:** 3  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to construct a 240 square foot pool house with toilet and sink on a property with an existing 5,362 square foot single-family residence, a second dwelling unit with 1-car garage and a 1,362 square foot 3-car garage. Requires a Coastal Development Permit and a Residential Development Permit for bathroom facilities in a residential structure.

**Location:** The property is located on the south side of East Cliff Drive at 22720 East Cliff Drive approximately 590 feet southeast of the intersection with 26<sup>th</sup> Avenue.

**Supervisory District:** First District (District Supervisor: Jan Beautz)

**Permits Required:** Coastal Development Permit and Residential Development Permit  
**Technical Reviews:** none

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0278, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

Parcel Size:	25,986 square feet
Existing Land Use - Parcel:	residential
Existing Land Use - Surrounding:	residential
Project Access:	Driveway off East Cliff Drive
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential) and O-R (Parks,

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

Zone District: Recreation and Open Space)  
RM-5, PR (Multi-family Residential and Parks,  
Recreation and Open Space )  
Coastal Zone:   x   Inside        Outside  
Appealable to Calif. Coastal Comm.   x   Yes        No

### Environmental Information

Geologic Hazards: Portion of parcel is adjacent to a coastal bluff  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: 0-2 % at building site  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Parcel is adjacent to public beach, though the pool house would not  
be visible from public areas; received Design Review  
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 Municipal  
Sewage Disposal: County Sanitation District  
Fire District: Central Fire District  
Drainage District: DPW Zone 5 Drainage District

### History

Permit # 98-0580 approved the construction of a 4-bedroom single-family residence, a one-bedroom second dwelling unit, a three-car garage and a one-car garage as a two-phase project. The main residence was built first, and Phase 2 included additions to the main dwelling, construction of the second dwelling unit with a one-car garage, and a three-car garage. Permit # 03-0493 was issued for Phase 2, and # 05-0715 was a Time Extension for 98-0580 and 03-0493. Permit # 03-0077 authorized seawall repair. A 2007 request for a Minor Land Division (07-0478) was withdrawn.

### Project Setting

The proposed project is on a developed oceanfront parcel on East Cliff Drive near 26<sup>th</sup> Avenue. The surrounding neighborhood has a mix of single-family residences and condominiums/townhouses.

### Zoning & General Plan Consistency

The subject property is a 34,711 square foot lot, located in the RM-5, PR (Multi-family Residential, and Parks on the public beachfront portion) zone districts, designations that allow an accessory structure to residential use. The proposed non-habitable accessory structure (pool house) is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

### **Local Coastal Program Consistency**

The proposed non-habitable accessory structure (pool house) 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 and accessory structures. 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. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed non-habitable accessory structure (pool house) complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as dark earth-tone colors and materials, will harmonize with existing development on the parcel and will not be visible from neighboring parcels or any public viewing areas.

### **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 15303 (Class 3- New Construction).

### **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 08-0278, 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](http://www.co.santa-cruz.ca.us)**

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Owner: Pat O'Neill

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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.

This finding can be made, in that the portion of the property where the pool house is proposed to be located is zoned RM-5 (Multi-family Residential), a designation that allows structures accessory to residential use. The proposed non-habitable accessory structure (pool house) is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium 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 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, or bluff top or visible from the public beach.

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 the non-habitable accessory structure (pool house) 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 existing development on site and with the surrounding neighborhood. Additionally, accessory residential uses are allowed in the RM-5 (Multi-family Residential) 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 and multi-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 non-habitable accessory structure (pool house) 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 non-habitable accessory structure (pool house) and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-5 (Multi-family Residential) zone district in that the primary use of the property will be residential structures and residential accessory structures that meet 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 accessory to residential use use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) land use designation in the County General Plan.

The proposed non-habitable accessory structure (pool house) 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 non-habitable accessory structure (pool house) 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 non-habitable accessory structure (pool house) 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 non-habitable accessory structure (pool house) will comply with the site standards for the RM-5, PR zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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 non-habitable accessory structure (pool house) is to be constructed on an existing developed lot. It is not anticipated that the proposed project will generate new traffic and it 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 structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed non-habitable accessory structure (pool house) 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 non-habitable accessory structure (pool house) 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.

## Conditions of Approval

Exhibit A: Project Plans, 2 sheets, by Wayne Miller, dated 6/21/08 and revised 7/24/08 and 8/2/08.

- I. This permit authorizes the construction of a 240 square foot non-habitable accessory structure (pool house). 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. 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.
    2. A surveyed site plan to verify that the pool house meets the required 5-foot setback from the property line. Plans must verify that nothing over 18 inches in height encroaches within the 5-foot side yard setback area.
    3. Grading, drainage, and erosion control plans.
    4. Location of relocated catch basin.
    5. Locations of downspouts and splash blocks.
    6. The proposed location of on-site sewer lateral(s), clean-out(s) and connection(s) to existing sewer.
    7. 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 5 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 County Fire Protection District.
  - F. Complete and record a Declaration of Restriction to construct a non-habitable accessory structure. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- 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.

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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: \_\_\_\_\_

\_\_\_\_\_  
Don Bussey  
Deputy Zoning Administrator

\_\_\_\_\_  
Alice Daly  
Project Planner

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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: 08-0278

Assessor Parcel Number: 028-242-08

Project Location: 22720 East Cliff Drive, Santa Cruz

**Project Description: Proposal to construct a 240 square foot pool house with toilet and sink**

**Person or Agency Proposing Project: Judy Miller**

**Contact Phone Number: 831-724-1332**

- 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: CEQA Section 15303(e): (Class 3) New Construction of an accessory (appurtenant) structure

F. **Reasons why the project is exempt:**

Construction of a new 240 square foot pool house that is appurtenant to the main residence.

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

\_\_\_\_\_  
Alice Daly, 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

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RANCHO ARROYO DEL RODEO

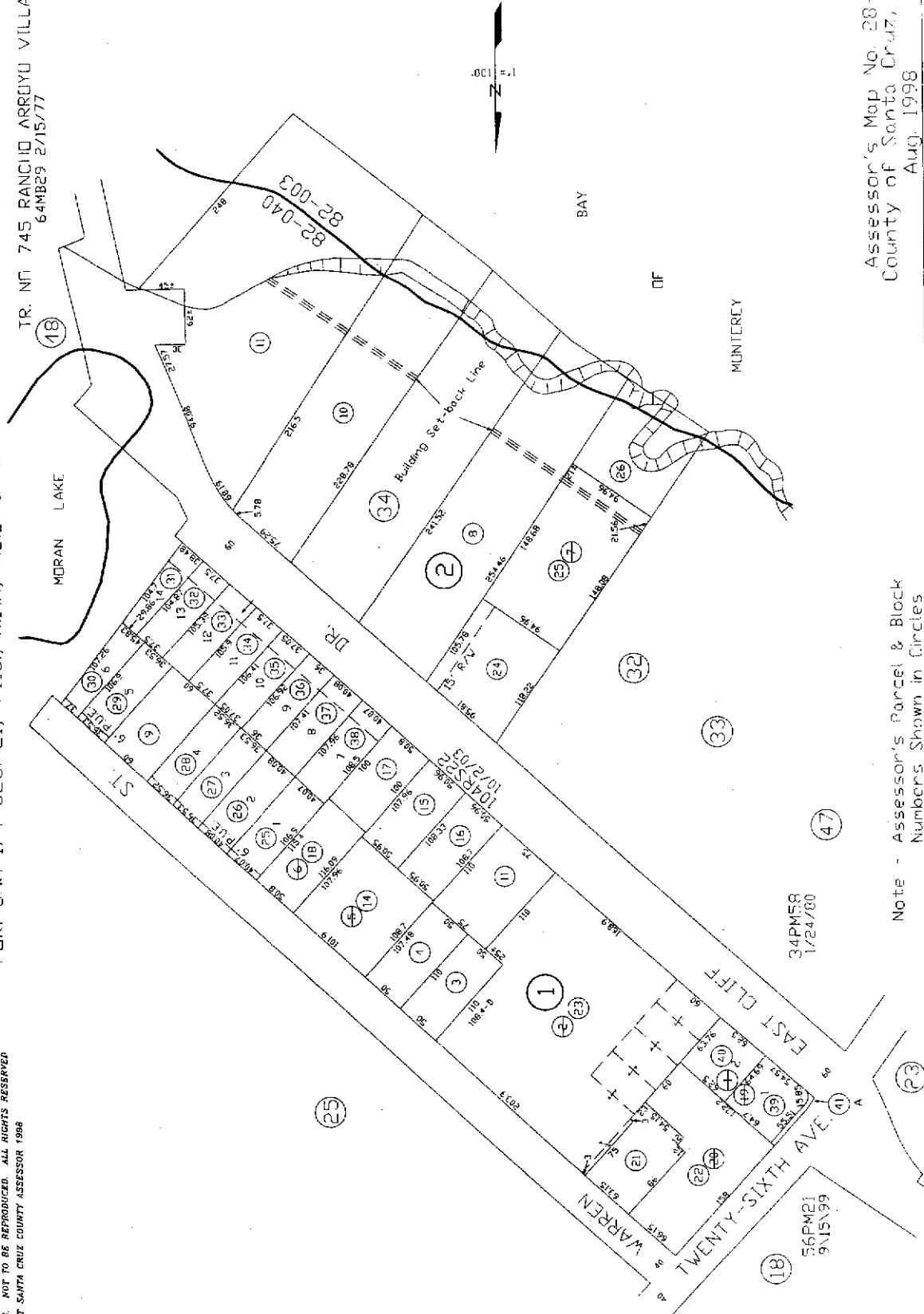
POR. S.W. 1/4 SEC. 21, T11S., R1W., M.D.B. & M.

Tax Area Code

82-003 82-040

28-24

TR. NF 745 RANCHO ARROYO VILLA  
64MB29 2/15/77



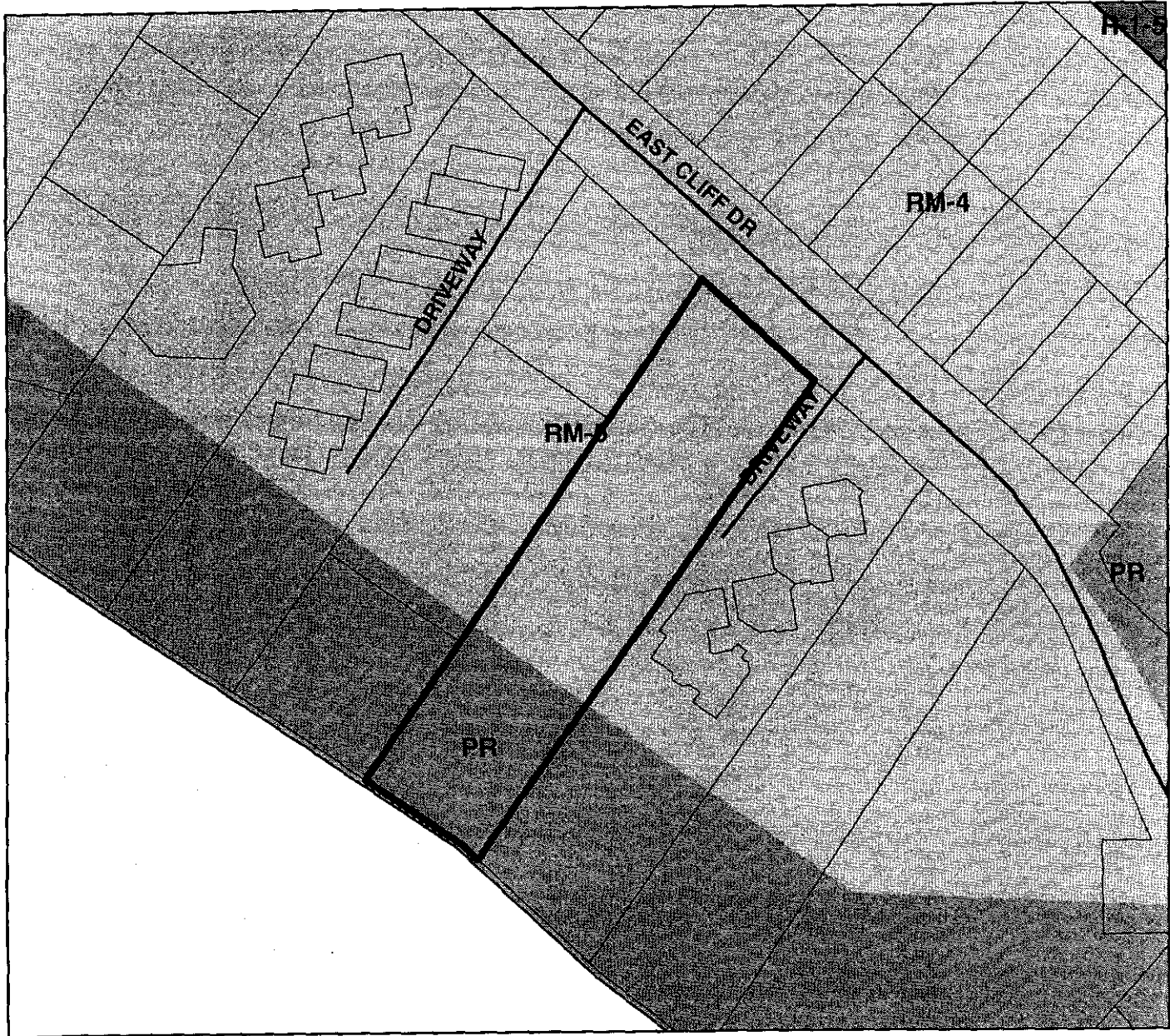
Note - Assessor's Parcel & Block  
Numbers Shown in Circles

Assessor's Map No. 28-24  
County of Santa Cruz, Calif.  
Aug. 1998

Electrically redrawn 8/28/99 PW  
Rev 12/12/99 CB 1960M21 50-1-99 to 411  
Rev 12/12/99 CB 1960M21 50-1-99 to 411  
Rev 12/12/99 CB 1960M21 50-1-99 to 411



# Zoning Map



0 85 170 340 510 680 Feet

## LEGEND

APN: 028-242-08

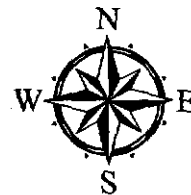
Assessors Parcels

Streets

RESIDENTIAL-MULTI FAMILY

PARK

County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
July 2008