



Staff Report to the Zoning Administrator

Application Number: **07-0755**

Applicant: Dennis Norton
Owner: Alex and Kristine Ingram
APN: 028-304-23

Agenda Date: 11/07
Agenda Item #: 5
Time: After 10:00 a.m.

Project Description: Proposal to demolish an existing 432 square foot garage and approximately 50 square feet of first floor area and remodel the remainder of the existing single story single family dwelling by constructing a 243 square feet attached garage and an addition of 90 square feet on the first floor, and addition of approximately 965 square foot addition on the second floor, and a 50 square foot second story deck. The project requires a Coastal Development Permit, Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, Variance to cover greater than 50% of the front yard with driveway, and a Variance to reduce the required east side yard setback from 5 feet to 2 feet.

Location: The property is located on the south side of South Palisades at 7 Rockview Drive.

Supervisory District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Coastal Development Permit, Variance to cover greater than 50% of the front yard with driveway, a residential development permit to allow greater than 800 square foot addition to a non-conforming structure, and a Variance to reduce the required east side yard setback from 5 feet to 2 feet.

Technical Reviews: Geologic Report Review, Soils Report Review, Wave Run-up Analysis

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0755, based on the attached findings and conditions.

Exhibits

- | | |
|---|-----------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | H. Nonconforming Code (13.10.265) |

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

Parcel Information

Parcel Size:	5,853 square feet gross, 5,219 square feet net
Existing Land Use - Parcel:	Single Family Dwelling
Existing Land Use - Surrounding:	Single Family Residential
Project Access:	Palisades Avenue, 20' right-of-way
Planning Area:	Live Oak
Land Use Designation:	R-UM (Urban Medium Residential)
Zone District:	R-1-5 (Single family residential - 5,000 square feet)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

Geologic Hazards:	Geological Hazards Assessment, Geologic Report Review and Wave run-up analysis completed. Project required to comply with recommendations of these reports.
Soils:	Soils Report Review complete. Project required to comply with recommendations.
Fire Hazard:	Not a mapped constraint
Slopes:	Site is flat to edge of coastal bluff, 136 feet from development
Env. Sen. Habitat:	Mapped as containing Santa Cruz Tarplant and Zayante Band-Winged Grasshopper, though no physical evidence was identified on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Project conditioned to comply with Public Works Drainage requirements.
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Santa Cruz Water Department
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

Project Setting

The subject property is located on the south side of South Palisades Avenue and is provided with a situs address of 7 Rockview Drive, though the property has no vehicular access from Rockview. The subject property is approximately 300-350 feet in length and 25 feet in width. The site fronts on the ocean, though it is not identified within a scenic corridor as there is no public beach due to steady wave-run-up to the bluff. A pedestrian easement crosses the site

along an existing wave run up sea wall near the top of the bluff. The development is 41 feet from the easement, which does not interfere with the proposed improvements.

The parcel contains an existing 1200 square foot (approximate) single story single-family dwelling and a detached 432 square foot one-story garage.

Detailed Project Description

The applicant is proposing to demolish the existing 432 square foot garage and approximately 50 square feet of first floor area, and to remodel the remainder of the existing non-conforming single story single family dwelling by constructing a 243 square feet attached garage, addition of approximately 90 square feet on the first floor, addition of approximately 965 square feet on the second floor, and addition of a 60 square foot second story deck.

The applicant also proposes to remodel portions of the building on the east and west side of the site. The applicant proposes to remove, expand, or alter portions of the windows and wall area throughout. On the west side of the site, improvements include the addition of skylights, replacement of portions of the exterior wall with new bearing exterior wall, addition of a chimney, and addition of an exterior double door. On the east side, windows openings will be altered along the wall, and an interior stairway will be added. The stairway will be approximately 7 feet in width and designed as a gable roof feature. It intrudes 3 feet into the setback.

The project requires a Coastal Development Permit, Residential Development Permit for a greater than 800 square foot addition to a non-conforming structure, a Variance to cover greater than 50% of the front yard with driveway, and a Variance to reduce the required east side yard from 5 feet to approximately 2 feet.

Zoning & General Plan Consistency

The subject property is zoned R-1-5 (Single family residential - 5,000 square feet) zone district, a designation, which allows residential uses. The proposed single family dwelling 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.

Setbacks

The following setbacks apply to this property based on a parcel width less than 60 feet in width.

	Front	Side	Rear
Required	20	5 & 5	15'
Proposed	20	West Side-3', East Side- 2'	15' plus

The existing dwelling encroaches into both side yard setbacks and therefore is an on-conforming structure. The applicant proposes to retain most of the first floor within both side yard setback areas with exception of demolition of approximately 50 square feet of first floor area located on

the west side of the property.

The plans propose to limit structural alterations within the nonconforming portions of the building to 50 percent of the exterior wall area, with exception of the proposed stairway within the east side yard. This stairway addition involves raising the roof and adding a gable, which will increase the height of the building by approximately 8 feet with a total height of approximately 17 feet. This requires a variance for structural alterations to a nonconforming structure and a variance to reduce the required 5-foot setback to 2 feet, pursuant to County Code section 13.10.265.

County Code Section 13.10.265 (Nonconforming structures) allows structural alterations to non-conforming buildings provided that within any five year period the proposed work does not exceed more than 50 percent of the total length of the exterior walls within the nonconforming section of the building. Additionally, additions greater than 800 square feet may be made to a nonconforming structure provided that a Residential Development Permit is obtained. It should be noted that a termite inspector, registered engineer or other professional may be required to certify that the portions of the structure shown to remain are in fact structurally sound and that it is not necessary to alter them. The pertinent code sections are attached as Exhibit H.

The applicant was requested to provide a structural evaluation of the nonconforming wall sections by a registered engineer to confirm that the proposed second story addition could be constructed within the limit of 50% given in the code. The applicant declined to provide this information indicating that the residence is occupied and that it would disrupt the occupants and result in damage to the interior of the building. If approved, staff recommends that the project be conditioned to require an evaluation by a structural engineer, confirming that the walls are structurally sound and will not require alteration beyond that proposed by the project. Should it be determined during construction that the project requires alteration to the non-conforming wall area in excess of 50 percent, the project will be required to stop work until all required permits are obtained. At a minimum a variance will be required. It is not clear that findings can be made and approval granted.

The applicant has also requested a variance to the minimum 5-foot side yard setback to allow construction of the interior stairway. Staff is in general agreement with the applicant that the lot is extremely narrow (25 feet) and presents design challenges that limit the floor area for the proposed dwelling. Location of a stairway meeting the setback requirements would significantly constrain the floor area available for usable space. The stairway addition will be between 6 and 11 feet from the neighboring structure. The non-conforming portion of the building will be increased by the width of the stairway, approximately 8 feet. However such a small portion of the building will not significantly affect access to light. Staff supports a variance for this portion of the building since it is such a small area and because the architectural feature added by the stairway will improve the appearance to the building. However, the applicant should be aware that a 1-hour firewall is required to provide fire protection for the building because there is less than 3 feet to the property line. Per the Building Department, it should be noted that the proposed window opening in the stairway will be prohibited by the CBC due to this fire safety issue. Approval of this variance will not present health or safety issues for these reasons. Please see attached variance findings, Exhibit B.

Floor Area Ratio (FAR)

The following table is provided to depict the proposed floor area ratio information.

Proposed Floor Area	
First Floor	863 square feet
Second Floor	965 square feet
Garage	243 square feet
Misc. areas included	15 square feet
Sub Total	2086 square feet
Garage Credit	- 225 square feet
Total FAR	1861 square feet = 35 Percent

The proposed structure provides approximately 1,861 square feet of total floor area, with the permitted 225 square foot deduction for the proposed garage. The total floor area is approximately 35 percent, which is under the 50 percent floor area permitted by the Ordinance.

Lot Coverage and Front Yard Coverage

The proposed building footprint is approximately 1,106 square feet (863 square feet first floor plus 243 square foot garage) and covers approximately 21 percent of the parcel, which is under the permitted 30 percent allowed by the Ordinance.

The ordinance also requires a minimum of 3 parking spaces for residences providing between 2 and 3 bedrooms. The plans show 3 bedrooms. These spaces cannot be provided on this site without a variance due to the narrow parcel width. Thus, a variance to cover greater than 50% of the front yard with driveway area has also been requested. Normally most parcels meet the minimum 60-foot parcel width and can provide parking for two cars without exceeding 50 percent of the front yard area. Given the site's special circumstances a variance is appropriate. Findings for approval are attached.

Local Coastal Program Consistency

The proposed single family dwelling 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 submitted is not inconsistent with the existing range. Although the project is located

between the shoreline and the first public road it 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 single family dwelling complies with the requirements of the County Design Review Ordinance. The Design Review is attached as Exhibit G. The proposed project provides a nicely designed structure that is respectful of the site's limitations by breaking up the massing from the first and second floor and presents an attractive street front appearance. The building setback will be improved by this proposal that will improve the character of the street significantly. Also, issues identified regarding the request for evaluation by a structural engineer have been addressed by the conditions of approval.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project is exempt per the attached notice of exemption, Exhibit D.

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 07-0755, 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

Report Prepared By: Sheila McDaniel
Santa Cruz County Planning Department
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Phone Number: (831) 454-3439

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

Page 7

E-mail: sheila.mcdaniel@co.santa-cruz.ca.us

NOTION SINCE

INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

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EXPENSES			
ENTRANCE LIVING	784	50.0	PT
SALARIES	1,318	50.0	PT
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NEW YORK 17, N. Y.

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1. The Commission of the European Communities (CEC) has been established as a permanent institution of the Community. It is composed of representatives of the governments of the Member States and of the Commission of the European Communities. The Commission is responsible for the implementation of the Community's policies and for the management of the Community's budget. It also has the power to propose and adopt regulations and directives. The Commission is headed by a President and is assisted by a Vice-President and several Commissioners. The Commission's work is organized into several departments, each responsible for a specific area of the Community's activities. The Commission's decisions are taken by a majority of its members. The Commission's work is subject to the supervision of the Council of Ministers and the European Parliament. The Commission's budget is financed by the Member States and by the Community's own resources. The Commission's work is subject to the supervision of the Council of Ministers and the European Parliament. The Commission's budget is financed by the Member States and by the Community's own resources.

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. The investigator will then gather information about the problem and the individuals involved. This information will be used to determine the scope of the investigation and the resources needed.

2. The second step is the collection of evidence. This is done by the investigator who will gather information from the individuals involved, as well as from other sources. This information will be used to determine the facts of the case and to identify the individuals who are responsible for the problem.

3. The third step is the analysis of the evidence. This is done by the investigator who will analyze the information gathered in the previous steps to determine the cause of the problem and the individuals who are responsible for it. This analysis will be used to develop a plan of action to resolve the problem.

4. The fourth step is the implementation of the plan of action. This is done by the investigator who will implement the plan of action to resolve the problem. This may involve contacting the individuals involved, as well as other parties, to resolve the problem.

5. The fifth step is the evaluation of the results. This is done by the investigator who will evaluate the results of the investigation to determine if the problem has been resolved and if the plan of action was effective. This evaluation will be used to determine if any further action is needed.

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1. The Joint Commission on the Assassination of President Kennedy (JFK) was established in 1975 by the President John F. Kennedy Library and the John F. Kennedy School of Government at Harvard University. The Commission was created to investigate the assassination of President Kennedy and to provide a comprehensive report on the events surrounding the assassination. The Commission's report, "The Warren Commission Report," was published in 1964 and concluded that Lee Harvey Oswald was the sole assassin of President Kennedy.
2. The Warren Commission Report was a landmark document in the history of the United States. It provided a detailed account of the assassination of President Kennedy and the events leading up to it. The report was widely criticized for its lack of transparency and its failure to address many of the questions surrounding the assassination. In 1975, the President John F. Kennedy Library and the John F. Kennedy School of Government at Harvard University established the Joint Commission on the Assassination of President Kennedy to re-examine the assassination and provide a more comprehensive report.
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PROPOSED
FLOOR PLANS

DENNIS NORTON
ARCHITECT
PROPOSED PLANS
705 S. GERRARD ST. SUITE 100 - SAN JOSE, CA 95128
(408) 253-0000

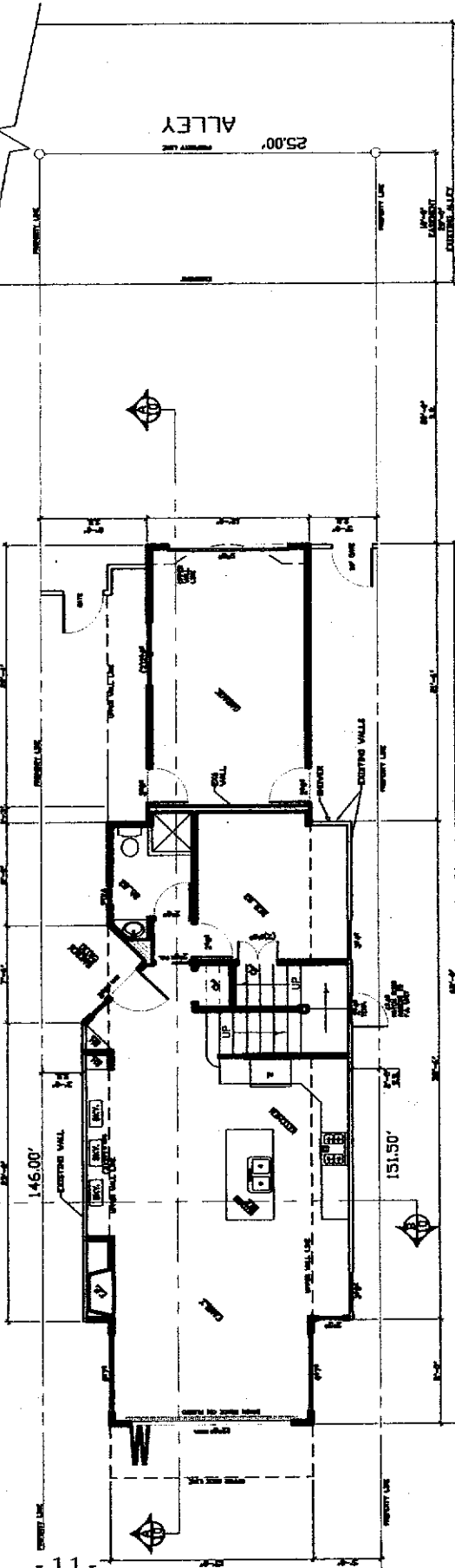
INGRAM RESIDENCE
7 ROCKVIEW DR.
SANTA CRUZ, CA 95062
APN 028-304-23

ALICE & TONY INGRAM
1555 N. GERRARD ST. SUITE 100
SANTA CRUZ, CA 95060
(408) 253-0000

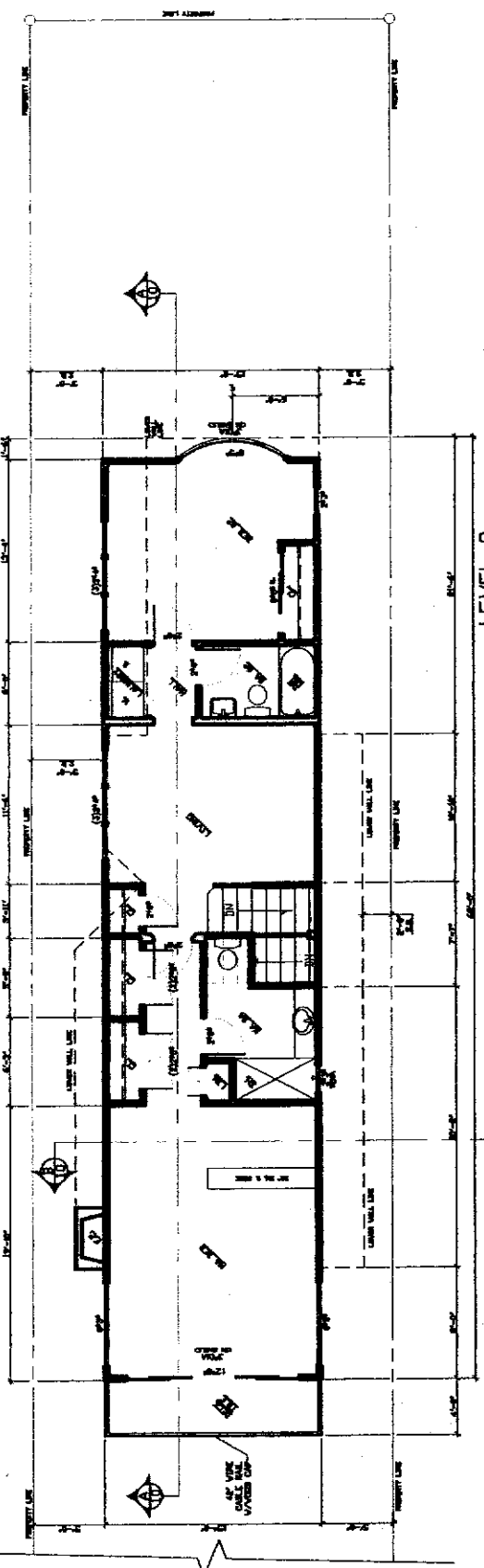
FLOOR PLANS

WALL LEGEND
EXISTING WALL
PROPOSED WALL

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LEVEL 2



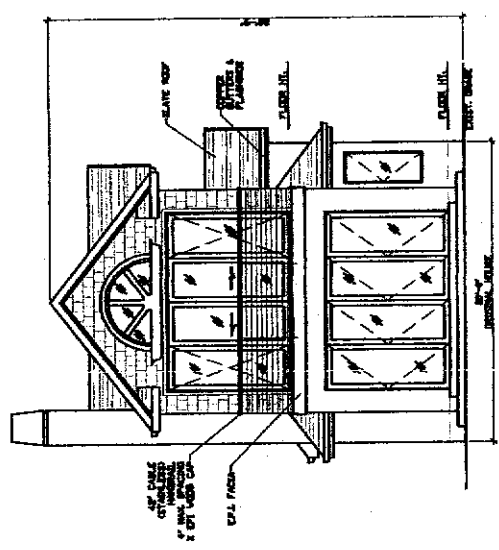
ELEVATIONS

DENNIS NORTON
HOUSE DESIGNER AND
ARCHITECT F.L. 10000000

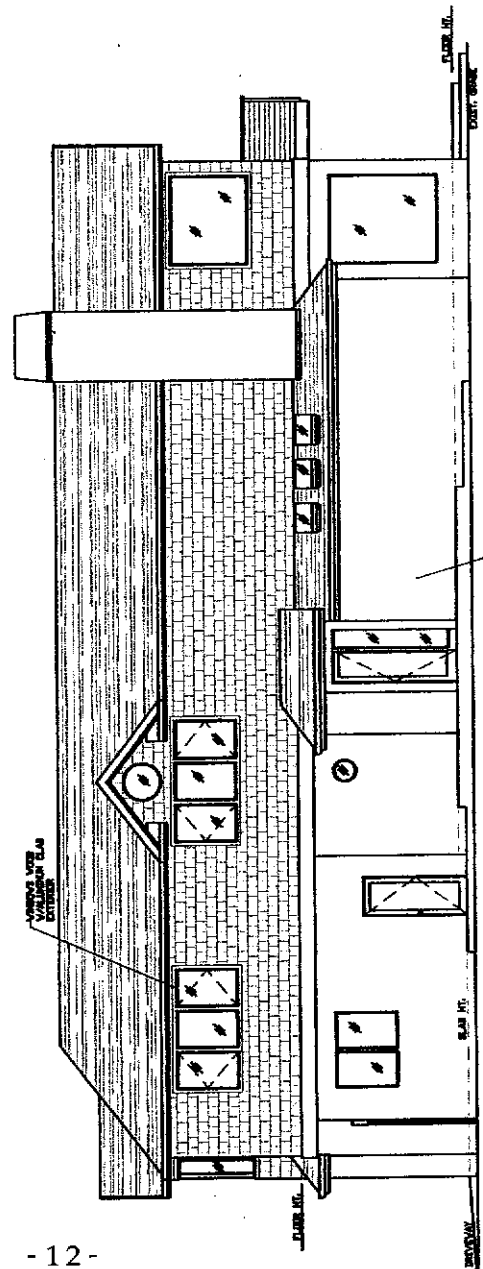
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SANTA CRUZ, CA 95062
APN 028-304-23

ELEVATIONS
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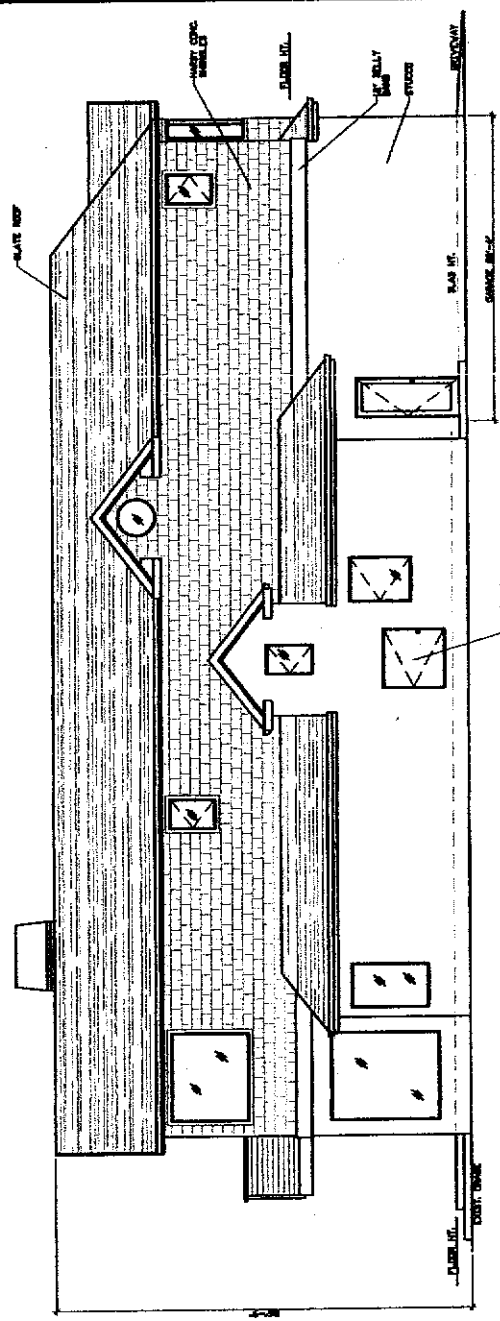
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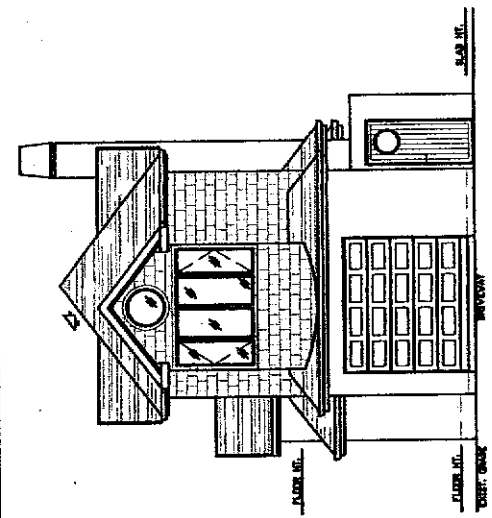
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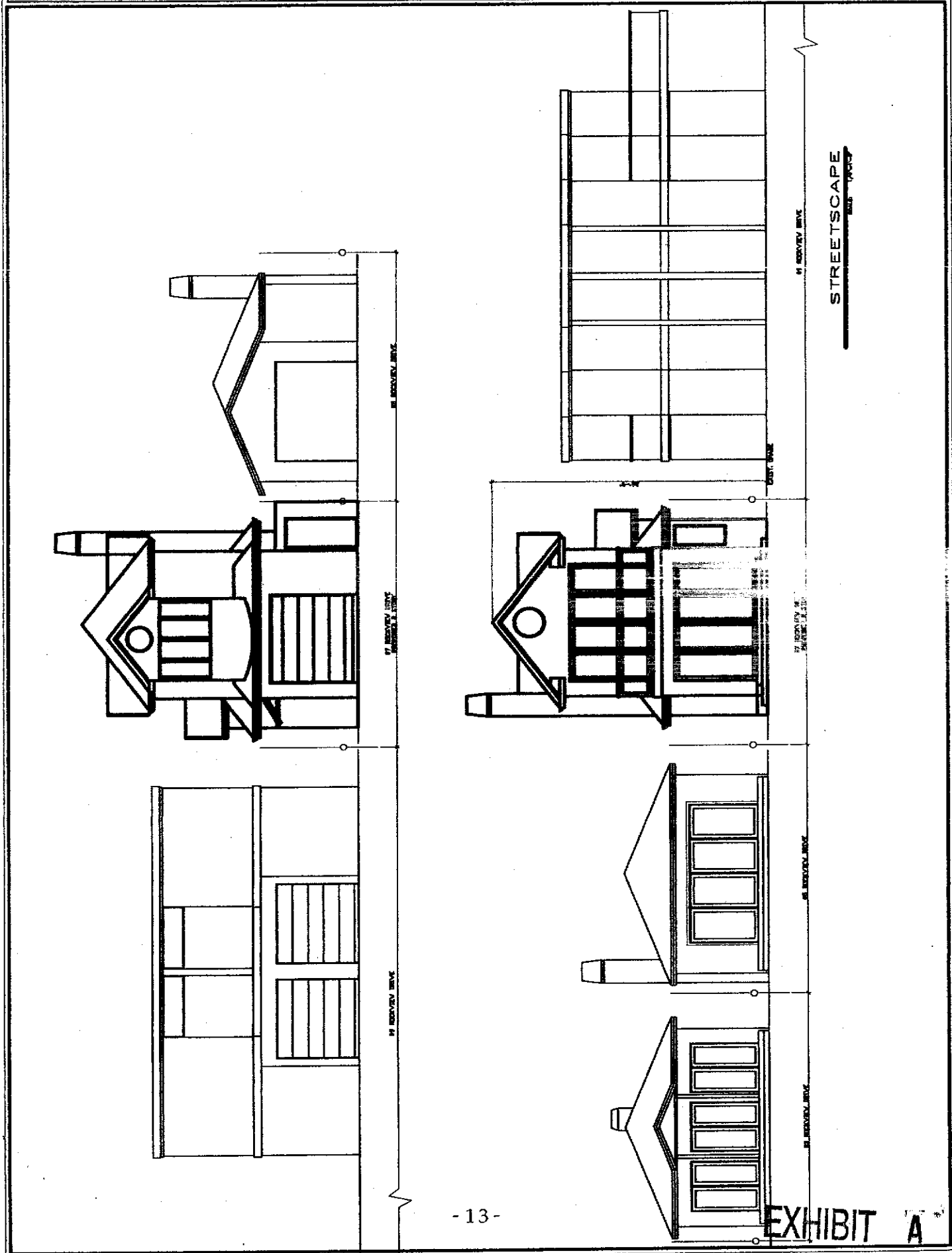


EAST



NORTH





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-1-5 (Single family residential - 5,000 square feet), a designation, which allows residential uses. The proposed single family dwelling 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. A pedestrian easement from Rockview is not affected by the development.

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; although the development site is located bluff top, the site is not adjacent to a public beach or within a designated scenic corridor.

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 although the project site is located between the shoreline and the first public road, the site does not have access to the shoreline because wave run-up prevents access. 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 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 R-1-5 (Single family residential - 5,000 square feet) zone district of the area, as well as the General Plan and Local Coastal Program land use designation.

Application #: 07-0755

APN: 028-304-23

Owner: Alex and Kristine Ingram

Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent 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 single family dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets most of the current setbacks that ensure access to light, air, and open space in the neighborhood. In the one location where setbacks are reduced to provide a stairway, this will not significantly affect adjacent property of light, air, or open space because it is a small addition, approximately 8 feet wide by 17 feet in height. Between 6 and 11 feet remain between the structure and the neighboring structure on this side.

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-1-5 (Single family residential - 5,000 square feet) zone district in that the primary use of the property will be one single family dwelling. Where the project does not meet the required side yard setback or maximum frontage devoted to access, variance findings are attached.

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 Medium Residential (R-UM) land use designation in the County General Plan.

The proposed addition to the existing 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, except where noted below, for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the proposed addition will not adversely shade adjacent properties, and will meet current setbacks, except where noted below, for the zone district to ensure access to light, air, and open space in the neighborhood. Where the project does not meet the required east side yard setback or percentage of front area devoted to access variance findings are attached. In addition, light, air, or open space will not be significantly adversely affected by this setback reduction. See Variance findings for further discussion.

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 proposed single family dwelling will comply with most of the site standards for the R-1-5 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. The structure is well designed for the constrained lot and overall is less than 2000 square feet.

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 single family dwelling is to be constructed on an existing developed lot. The expected level of traffic generated by the proposed project is not anticipated to increase the trips per day (1 peak trip per dwelling unit).

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 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.

Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding can be made, in that the subject parcel is 25 feet wide, 35 feet less than the required parcel width in the zone district. A redesign of the floor space to reorient the stairway within required setback would deprive this property of fully functional floor area, a privilege enjoyed by other properties meeting the required parcel width standard. Furthermore, the narrow parcel width prohibits parking for two parking spaces in the front yard, a privilege enjoyed by other property in the vicinity and under identical zoning classification.

2. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

This finding can be made, in that the project will not significantly impact or be materially detrimental to the light, air, or open space available to the adjacent parcel because such a small portion of the building will be located within the setback, a footprint of 23 square feet. The neighbor structure is between 6 and 11 feet away. The project is also conditioned to comply with the fire code requirements that require a 1-hour firewall along that portion of the building. This will ensure safety to the occupants of the dwelling and to the adjacent residence.

Vehicle parking in the front yard will not affect public health, safety, or welfare or be injurious to property or improvements in the vicinity.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding can be made, in that other properties in the vicinity under similar circumstances, such as this existing narrow parcel, would be given the same consideration. It should also be noted that this variance only allows a small portion of the building to intrude into the setback area.

Conditions of Approval

Exhibit A: Plans prepared by Dennis Norton, dated March 13, 2008

- I. This permit authorizes the demolition of an existing 432 square foot garage and approximately 40 square feet of first floor area and remodel of the remainder of the existing single story single family dwelling by constructing a 243 square feet attached garage and an addition of 90 square feet on the first floor, and addition of approximately 965 square foot addition on the second floor, and a 50 square foot second story deck. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. 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 Demolition Permit from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - E. 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 and or Demolition 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 applicant shall have a registered structural engineer examine the existing non-conforming walls by removing the interior finish and inspecting for dry rot and/or termite damage. The structural engineer shall certify the 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. Two copies of the investigation report shall be submitted to the planner and building inspector.
 - 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.
 2. Drainage, and erosion control plans.
 3. The applicant shall provide existing and proposed elevations of the dwelling with floor to ceiling dimensions and floor-to-floor dimensions. Details shall include, but not be limited to, foundation, wall and window openings, and top plate information. Elevations shall be provided side by side. It shall be noted that the Exhibit "A" plans do not accurately represent the location of existing and proposed walls and window openings. This shall be corrected with this plan submittal.
- 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. Submit plans meeting all requirements of the County Department of Public Works and specifically address the following:
1. Revise the impervious area calculations to include the pavers and turf block areas. These areas are considered semi-pervious and are charged at a 50 percent. A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.
- F. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- G. Plans shall comply with all requirements of the combined Geotechnical Investigation, Wave run up Analysis, and Engineering Geology Report review, dated August 14, 2008 by Joe Hanna, County Geologist. This shall address the following:
1. Submittal of a final landscape and drainage plan to the County Geologist for review and approval.
 2. The project civil engineer and/or geotechnical engineer must develop a plan to monitor the existing seawall to confirm that the wall is functioning adequately.
 - a. The owners must continue to monitor and maintain the wall so that

- the seawall functions as designed.
- b. The seawall-monitoring plan must be recorded as part of a declaration of geologic hazards. The notice of geologic hazards will be prepared at the time of the submittal of the Building Permit, and will reference the conclusions of the approved geotechnical engineer and engineering geology report.
 3. Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations. Plans shall also provide a thorough and realistic representation of all grading necessary to complete this project.
 4. Plan review letters shall be submitted to Environmental Planning. The authors of the reports shall write the plan review letters. The letters shall state that the project plans conform to the report's recommendations.
 5. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.
 6. Submit an electronic copy of the soils engineering report, wave run up analysis, and engineering geology report in .pdf format. This document may be submitted on compact disk or emailed to pln829@co.santa-cruz.ca.us.
 7. Submit two copies of the reports and updates with the building permit application.
- H. Meet all requirements of the County Department of Public Works Sanitation and shall specifically address the following:
1. Plans shall show the proposed location of on-site sewer lateral (s), clean-out(s), and connection(s) to existing public sewer on the plot plan of the building permit application.
 2. Plans shall show all existing and proposed plumbing fixtures on floor plans of building application.
- I. Meet all requirements of the County Department of Public Works Road Engineering and shall specifically address the following:
1. In order to evaluate access to the single-family dwelling, plans shall show how the property obtains access to the county road system. In addition, plans shall provide details of the intersection of driveway(s) to the county maintained road in plan view.
- J. Pay the current fees for Parks and Child Care mitigation for 1 additional bedroom. Currently, these fees are, respectively, \$1,000.00 and \$109 per bedroom, respectively.
- K. Pay the current fees for Roadside and Transportation improvements for 1 additional bedroom. Currently, these fees are, respectively, \$847.00 and \$847.00 per bedroom. The total fee is \$1,694.00.

- L. 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.
 - M. 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. Prior to excavation of the foundations, the project engineer and/or geotechnical engineer must confirm in writing that the foundations are located as shown on the approved plans.
 - E. 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.
 - B. In the event that future County inspections of the existing dwelling disclose alteration to the existing exterior walls within the required 5 foot side yard setback area exceeding 50 percent of the exterior wall area, a "stop work" order shall be issued on the project and the applicant shall obtain all necessary permits before work may commence.

- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this permit, which do not affect the overall concept or density, may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires two years from the effective date 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, unless there are special circumstances as determined by the Planning Director.

Application #: 07-0755
APN: 028-304-23
Owner: Alex and Kristine Ingram

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Sheila McDaniel
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: 07-0755

Assessor Parcel Number: 028-304-23

Project Location: 7 Rockview Drive, Santa Cruz, CA 95062

Project Description: Demolition of 432 sq.ft. garage and 40 sq.ft. first floor area, remodel dwelling and add a 243 sq.ft. attached garage and 90 sq.ft. first floor area, 965 sq.ft. second floor area, and a 60 sq.ft. second floor deck

Person or Agency Proposing Project: Dennis Norton

Contact Phone Number: (831) 476-2616

- 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: Exempt

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

Proposal to construct improvements to existing dwelling

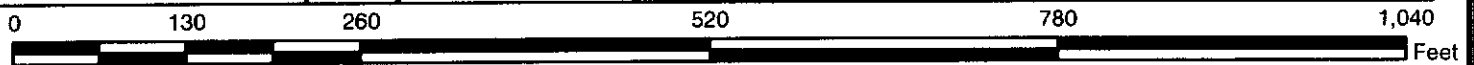
In addition, none of the conditions described in Section 15300.2 apply to this project.

Sheila McDaniel, Project Planner





Date: _____

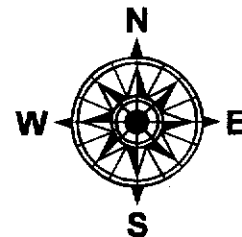


Location Map



LEGEND

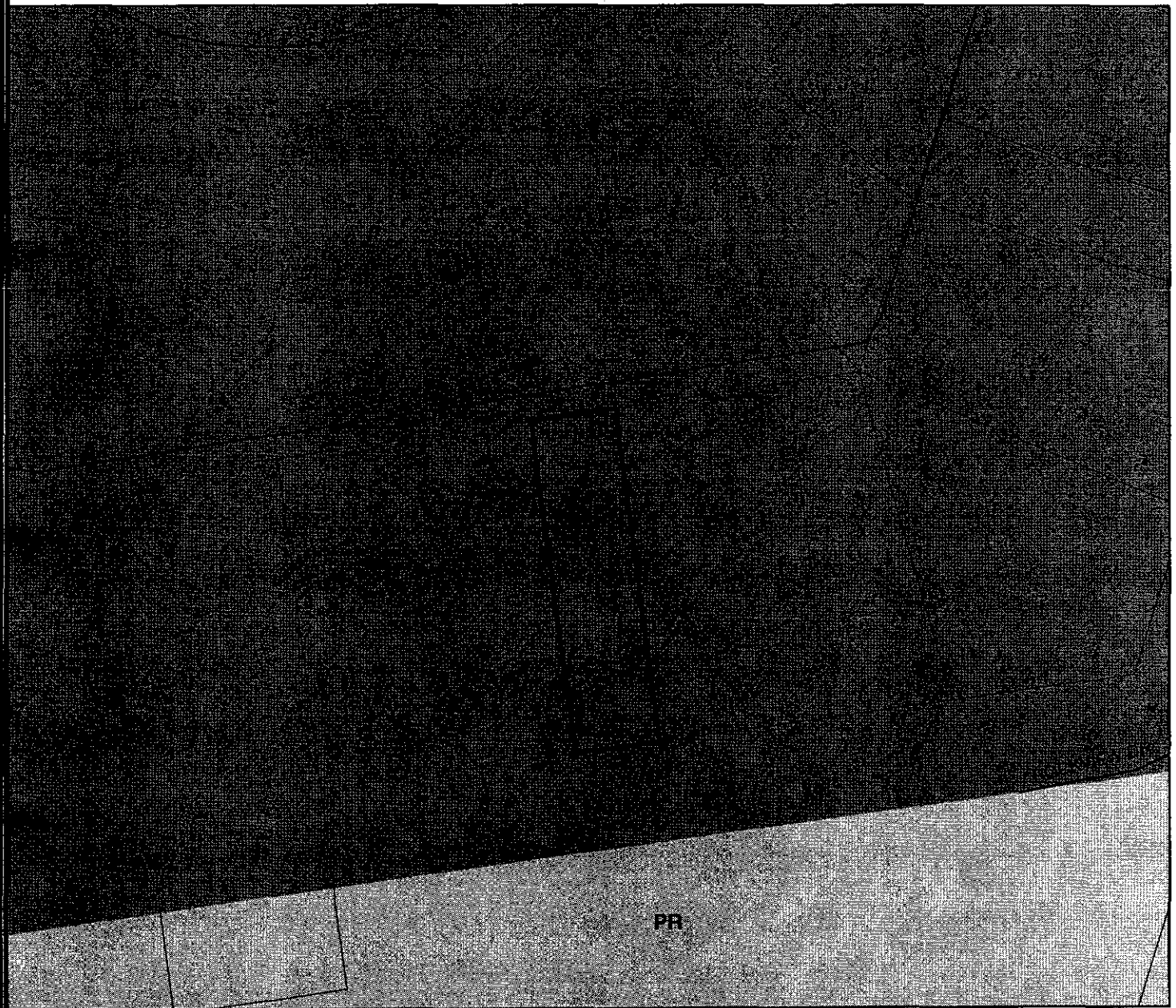
-  APN: 028-304-23
-  Assessors Parcels
-  Streets
-  County Boundary



Map created by
County of Santa Cruz
Planning Department
January 2008



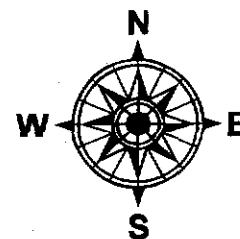
Zoning Map



0 40 80 160 240 320 Feet

LEGEND

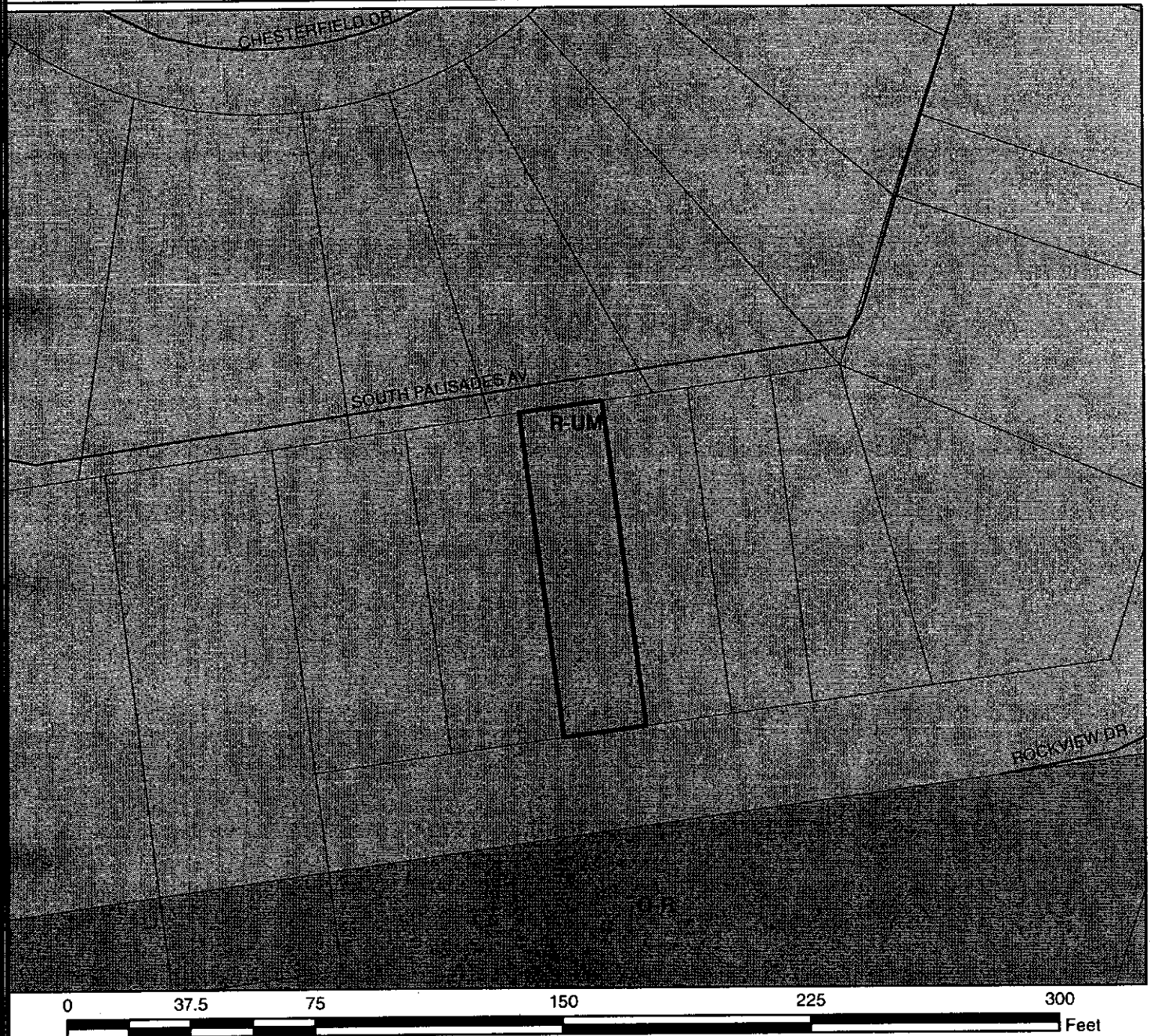
-  APN: 028-304-23
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  PARK




Map created by
County of Santa Cruz
Planning Department
January 2008

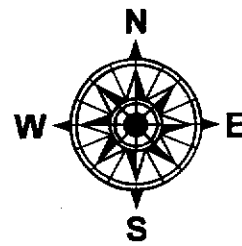


General Plan Designation Map



LEGEND

-  APN: 028-304-23
-  Assessors Parcels
-  Streets
-  Residential - Urban Medium Density
-  Parks and Recreation



Map created by
County of Santa Cruz
Planning Department
January 2008

C O U N T Y O F S A N T A C R U Z
Discretionary Application Comments

Project Planner: Sheila Mcdaniel
Application No.: 07-0755
APN: 028-304-23

Date: September 30, 2008
Time: 15:57:18
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON FEBRUARY 11, 2008 BY JESSICA L DEGRASSI =====
This project requires a Geologic Hazards Assessment.

Environmental Planning Miscellaneous Comments

===== REVIEW ON FEBRUARY 11, 2008 BY JESSICA L DEGRASSI =====

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JANUARY 23, 2008 BY TRAVIS RIEBER =====

1. How does the existing home runoff drain? Are there any problems?
2. Show the existing site drainage pattern and any changes as a result of this project.
3. Demonstrate that the added runoff from structures and paved areas will not adversely impact adjacent or downstream properties.
4. The site plan calls for a permeable paver driveway while a note in the fire department requirements calls for a 4 inch concrete driveway. Please clarify. Show on the site plan the limits of the proposed driveway.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON AUGUST 5, 2008 BY TRAVIS RIEBER =====

The plans dated 6/13/2008 have been received and are approved for the discretionary application stage. See miscellaneous comments for conditions to be met at the building application stage.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON JANUARY 23, 2008 BY TRAVIS RIEBER =====

1. Provide a cross section construction detail of the proposed permeable paver driveway and the turf block trash area.
2. For fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from this project.

Note: A drainage fee will be assessed on the net increase in impervious area.

===== UPDATED ON AUGUST 5, 2008 BY TRAVIS RIEBER =====

1. Revise the impervious area calculations to include the pavers and turf block areas. These areas are considered semi-pervious and are charged at a 50 percent rate.

Discretionary Comments - Continued

Project Planner: Sheila McDaniel
Application No.: 07-0755
APN: 028-304-23

Date: September 30, 2008
Time: 15:57:18
Page: 2

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Please call the Dept. of Public Works, Storm Water Management Section, from 8:00 am to 12:00 noon if you have questions.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JANUARY 22, 2008 BY ANWARBEG MIRZA =====
NO COMMENT
===== UPDATED ON AUGUST 5, 2008 BY ANWARBEG MIRZA =====
Discretionary - completed

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JANUARY 22, 2008 BY ANWARBEG MIRZA =====
1. In order to evaluate access to the single-family dwelling, show how property obtains access to the county road system. In addition, provide details of the intersection of driveway(s) to the county maintained road in plan view.
===== UPDATED ON AUGUST 5, 2008 BY ANWARBEG MIRZA =====
Previous misc. comments to be addressed in Building Permit stage.

Dpw Sanitation Completeness Comments

===== REVIEW ON JANUARY 22, 2008 BY CARMEN M LOCATELLI =====
Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON JANUARY 22, 2008 BY CARMEN M LOCATELLI =====
Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.
Show all existing and proposed plumbing fixtures on floor plans of building application.

INTEROFFICE MEMO

APPLICATION NO: 07-0755

Date: January 29, 2008

To: Sheila McDaniel, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New single family dwelling at 7 Rockview Drive, Santa Cruz

COMPLETENESS COMMENTS:

- *The applicant must provide an accurate plan and elevations of the existing building.*
- *A structural engineer should examine the existing non-conforming walls by removing the interior finish and inspecting for dry rot and/or termite damage. The investigation should be submitted to the planner in a report form. The report should determine if 50% or more of the existing walls to remain are structurally viable.*

Design Review Authority

13.20.130 The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

Design Review Standards

13.20.130 Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum Site Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.	✓		
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.	✓		
Special landscape features (rock outcroppings, prominent natural	✓		

landforms, tree groupings) shall be retained.			
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Ridgeline Development

Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A

Landscaping

New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A
--	--	--	-----

Rural Scenic Resources**Location of development**

Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A

Site Planning

Development shall be sited and designed to fit the physical setting carefully so that its presence is subordinate to the natural character of the site, maintaining the natural features (streams, major drainage, mature trees, dominant vegetative communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A

Building design

Structures shall be designed to fit the topography of the site with minimal cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A
Natural materials and colors which			N/A

blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A
In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A

Beach Viewsheds			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred	✓		

Design Review Authority

13.11.040 Projects requiring design review.

- (a) Single home construction, and associated additions involving 500 square feet or more, within coastal special communities and sensitive sites as defined in this Chapter.

13.11.030 Definitions

- (u) "Sensitive Site" shall mean any property located adjacent to a scenic road or within the viewshed of a scenic road as recognized in the General Plan; or **located on a coastal bluff**, or on a ridgeline.

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping			N/A
Streetscape relationship			N/A

Street design and transit facilities			N/A
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		

Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian interest	✓		
Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✓		
Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

August 14, 2008
Modified August 18, 2008 item 5

Alex Ingram
C/O Dennis Norton
712 # C Capitola Avenue
Capitola, CA 95003

Subject: Review of Geotechnical Investigation and, Wave Runup Analysis by Haro, Kasunich and Associates, Dated July 2008; Project #: SC9623; Review of Engineering Geology Report, by Rogers E. Johnson and Associates, Dated July 16, 2008; Project Number C08009-55

7 Rockview Drive

APN 028-304-23, Application #: 07-0755

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department has accepted the subject reports and the following items shall be required:

- 1) All construction shall comply with the recommendations of the reports.
- 2) Prior to the issuance of the Building Permit, a final landscape and drainage plan must be submitted to the County Geologist for review and approval.
- 3) The project civil engineer and/or geotechnical engineer must develop a plan to monitor the existing seawall to confirm that the wall is functioning adequately.
 - a) The owners must continue to monitor and maintain the wall so that the seawall functions as designed.
 - b) Prior to the issuance of the Building Permit, the seawall-monitoring plan must be recorded as part of a declaration of geologic hazards. The notice of geologic hazards will be prepared at the time of the submittal of the Building Permit, and will reference the conclusions of the approved geotechnical engineer and engineering geology report.
- 4) Final plans shall reference the reports and include a statement that the project shall conform to the reports' recommendations. Plans shall also provide a thorough and realistic representation of all grading necessary to complete this project.
- 5) Prior to the **building permit** application approval, *plan review letters* shall be submitted to Environmental Planning. The authors of the reports shall write the *plan review letters*. The letters shall state that the project plans conform to the report's recommendations.

(over)

**NOTICE TO PERMIT HOLDERS WHEN A SOILS ENGINEERING AND ENGINEERING
GEOLOGY REPORTS HAVE BEEN PREPARED, REVIEWED AND ACCEPTED FOR THE
PROJECT**

After issuance of the building permit, the County requires your soils engineer and engineering geology to be involved during construction. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. **When a project has engineered fills and / or grading**, a letter from your soils engineer must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. **Prior to placing concrete for foundations**, a letter from the soils engineer and engineering geologist must be submitted to the building inspector and to Environmental Planning stating that they have observed the foundation excavation and that the excavations meets the recommendations of the reports.
3. **At the completion of construction**, *final letters* from your soils engineer and engineering geologist must be submitted to Environmental Planning that summarizes the observations and the tests the consultants have made during construction. The final letters must also state the following: "Based upon our observations and tests, the project has been completed in conformance with our geotechnical recommendations."

If the *final letters* identify any items of work remaining to be completed or that any portions of the project were not observed by the soils engineer and the engineering geologist, you will be required to complete the remaining items of work and may be required to perform destructive testing in order for your permit to obtain a final inspection.

10-2-2008

Shella McDaniel
Planning Department
701 Ocean Street
Forth floor
Santa Cruz, 95060

Re: #7 Rockview
07-0746
Ingram Residence

To whom it may concern,

This proposal is for an addition to an existing single family residence at #7 Rockview, Santa Cruz. The existing house, lower story will be saved in its present location and a lower and upper addition, and new garage will be added.

This is an extremely narrow lot and with required side yard setbacks of 5 feet. This gives a building footprint of 15 foot in width. The proposed plans have taken into consideration and conformed to all setback requirements with the exception of a small roof elevation over the staircase that protrudes ½ floor into upper setback requirements.

We are requesting that we be granted a Variance from the 5 foot setback in this location. The grounds for the Variance would include: Existing restrictions to the use of this lot due to topography, lot shape and terrain: an attempt by the applicant to use an existing structure and materials in the construction of this house, this is not a granting of a privilege that is not enjoyed by neighboring houses and residences.

It should be noted that the small living area of this house of 1880 square foot is considered small by neighborhood standards.

Thank you for your consideration.

Dennis Norton
(Representative for the owner)

13.10.265 Nonconforming structures.

(a) The lawful use of a structure existing on the effective date of a change of zoning or of the zoning regulations may be continued even if such a structure and/or use does not conform to the change in zoning or change of the zoning regulations specified for the district in which such structure is located.

(b) The structural enlargement, extension, reconstruction, or alteration which conforms to the site development standards of the district in which the structure is located may be made to a nonconforming structure upon issuance of only those building permits and/or development permits required by other Sections of the County Code if the property's use is made to conform to the uses allowed in the district and provided that the structure is not significantly nonconforming as defined in this Section, and further provided that where the floor area of an addition exceeds 800 square feet net, a Level IV Use Approval shall be required.

(c) When the use of the nonconforming structure conforms to uses allowed in the district in which the structure is located, but the enlargement, extension, reconstruction, or structural alteration of said building involves a variation from height, building site area, lot width, lot coverage, floor area ratio, or side, front, or rear yard requirements for the district, a Variance Approval shall be required in accordance with the provisions of Section 13.10.230, with the exception that, where the dedication requirements of Section 15.10.050 cause an existing structure to become nonconforming, a Variance Approval is not required provided that the front yard is not reduced to less than 10 feet and the street side yard to not less than 6 feet. In addition, no Variance Approval shall be required for any structural alterations which conform to Subsection (e) of this Section.

(d) The structural enlargement, extension, reconstruction or alteration of a nonconforming structure which has been designated as a historic resource pursuant to County Code Chapter 16.42 is permitted upon issuance on only those building permits and/or development permits required by other Sections of the County Code regardless of any other provisions of this Chapter to the contrary, if one or more of the following criteria are met:

1. The structural enlargement, extension, reconstruction or alteration conforms to the site development regulations of the Zoning district in which it occurs;
2. The structural enlargement, extension, reconstruction or alteration does not conform to the setback or height regulations of the Zoning district in which it occurs, but is within the structural outline of the structure and does not expand the perimeter foundation line of the structure. The structural outline of a structure shall include that space which is enclosed by the structural posts, columns, beams, trusses and girders of the structure; or
3. The structural enlargement, extension, reconstruction or alteration is required to provide access for persons with disabilities to the structure.

(e) Ordinary maintenance and repairs and other structural alterations, including foundation repair/replacement, may be made to the nonconforming portions of a structure which is not significantly nonconforming as defined in this Section provided that:

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; and,
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.

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.

(f) Nothing contained in this Section shall be deemed to require any change in the plans, construction, or designated use of any structure upon which actual construction was lawfully begun in accordance with all applicable regulations in effect at the time when construction commenced. Actual construction is hereby defined as: The placing of construction materials in their permanent position and fastening them in a permanent manner, the work of excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding, provided that in all cases actual construction work shall be diligently continued until the building or structure involved has been completed.

(g) If any building or structure which does not conform to the site and structural dimension regulations of the district in which it is located is damaged or destroyed by fire, other catastrophic event, or public enemy to the extent that the reconstruction or repair of the structure will require more than seventy-five (75) percent of the total length of the exterior walls (exclusive of the foundation or roof) to be moved, replaced or altered in any way, except that the replacement or alteration of the interior or exterior wall coverings, windows and doors without altering their openings will not be counted in this calculation, the land and structure shall be subject to all regulations specified by this chapter for the district in which such land and structures are located. This determination shall be made by the Building Official, taking into account the damage caused by the event as well as any additional demolition which is proposed by the applicant or which is required by the currently adopted codes and ordinances as part of the reconstruction. The Planning Director may require that a registered engineer or other professionals(s) acceptable to the Planning Director be retained at the applicant's expense to certify that the 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. The Building Official may charge a fee for this determination which shall be based upon a reasonable estimate of the cost to the County for making such determination.

(h) Notwithstanding the provisions of subsection (g) above, any building or structure damaged or destroyed as a result of the earthquake of October 17, 1989 and/or associated aftershocks may be repaired or reconstructed, provided the structure:

1. Will be sited in the same location on the affected property as the destroyed structure, and that location is determined to be located away from potentially hazardous areas, as required by Chapter 16.10 of this Code;
2. Will be for the same use as the damaged or destroyed structure; and
3. Will not exceed the floor area, height, or bulk of the damaged or destroyed structure by more than ten (10) percent.

(i) Regulations which apply to nonconforming signs are found in Section 13.10.588 of this Code. Regulations regarding the replacement of nonconforming greenhouses are found

in Section 13.10.636(c) of this Code.

(j) Except as provided under subsections (d), (g) and (h) of this section, no structural enlargement, extension, reconstruction or structural alteration shall be made to any significantly nonconforming structure unless a variance for improvements not allowed by 13.10.265(e), and a Level V Use Approval is obtained, in addition to all other approvals required pursuant to the County Code. In addition to any other findings which are required, the following findings shall be made for any approval granted pursuant to this subsection:

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.
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.
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.
4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

(k) For the purposes of this section, a structure is significantly nonconforming if it is any of the following:

1. Located within five feet of a vehicular right-of-way;
2. Located across a property line;
3. Located within five feet of another structure on a separate parcel;
4. Located within five feet of a planned future public right-of-way improvement (i.e. an adopted plan line); or,
5. Exceeds the allowable height limit by more than 5 feet. (Ord. 2788, 10/2/79; 3266, 6/22/82; 3186, 1/12/82; 3344; 3746, 4/22/86; 11/23/82; 3432, 8/23/83; 3927, 6/28/88; 4024, 10/24/89; 4160, 12/10/91; 4368, 5/23/95; 4525, 12/8/98; 4642, 11/6/2001; Ord. 4761 §§ 9, 10, 5/18/04)