



## Staff Report to the Zoning Administrator

Application Number: **09-0124**

**Applicant:** John Groat  
**Owner:** John Groat & Elizabeth Gruender  
**APN:** 027-111-33

**Agenda Date:** *Aug 21, 2009*  
~~July 17, 2009~~  
**Agenda Item #:** **2 /**  
**Time:** After 10:00 a.m.

**Project Description:** Proposal to demolish an existing one-story single-family dwelling and to construct a two-story 800 square foot single-family dwelling and attached garage.

**Location:** Property located on the north side of Carmel St. approximately 35 feet west of the intersection with 9th Ave. (821 Carmel St.)

**Supervisory District:** 1st District (District Supervisor: John Leopold)

**Permits Required:** Requires a Coastal Development Permit and a Variance to reduce the required rear yard from 15 feet to about 5 feet, to reduce the required 20-foot setback to the garage from 20 feet to 16' 3".

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0124, based on the attached findings and conditions.

### Exhibits

- |  |                                     |
|--|-------------------------------------|
| A. Project plans                                 | E. Assessor's, Location, Zoning and |
| B. Findings                                      | General Plan Maps                   |
| C. Conditions                                    | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA<br>determination) |                                     |

### Parcel Information

Parcel Size:	1,600 square feet
Existing Land Use - Parcel:	Single-family dwelling
Existing Land Use - Surrounding:	Single-family dwelling
Project Access:	Carmel St.
Planning Area:	Live Oak

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

Land Use Designation: R-UH (Urban High Residential)  
Zone District: R-1-3.5 (Single-Family Residential – 3,500 sq ft minimum lot size)  
Coastal Zone: X Inside     Outside  
Appealable to Calif. Coastal Comm.     Yes X No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: N/A  
Fire Hazard: Not a mapped constraint  
Slopes: N/A  
Env. Sen. Habitat: Mapped Zayante Band-winged grasshopper; however no habitat on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: X Inside     Outside  
Water Supply: Public  
Sewage Disposal: Public  
Fire District: Central Fire Protection District  
Drainage District: Zone 5

### History

The subject parcel was created in 1936 by the Twin Lakes Park Subdivision. The original lot was 1,400 square feet in area and in 1966, a 5-foot strip of land was added to create the present 1,600 square foot configuration. According to County Assessor's records, the existing single-story dwelling that occupies the site was constructed in 1921. The original structure included a dwelling and attached garage and was approximately 980 square feet in area.

In 2006 a code violation was issued on the property for unpermitted construction of a new roof and exterior siding. During the course of the code investigation it was discovered that the attached garage had been converted into living space. No other additions to the original structure were noted.

The proposed demolition of the original house would address the outstanding code violation.

### Project Setting

The subject parcel is 1,600 square feet in area and is developed with the existing residence described previously. The existing house is non-conforming with respect to the front and rear

setbacks and significantly non-conforming with respect to the side (east) yard setbacks as a submitted survey indicates a distance of less than 5 feet to the adjacent structure to the east. Additionally, the house exceeds the 40% maximum lot coverage. The lot is flat and is located within the Live Oak Planning Area. The surrounding neighborhood is characterized by one and two-story single family dwellings. With the exception of the lot adjacent and to the east of the subject site, the subject lot is roughly half the size of the other residential lots in the neighborhood. Carmel Street, a County-maintained street, provides access to the property. The project is located within the Yacht Harbor Special Community and subject to Design Review.

The applicant proposes to demolish the existing house and to construct a two-story replacement dwelling and attached garage. The two-story replacement house will be smaller in overall area than the existing dwelling and the proposed ground floor represents approximately 42% of the current footprint. This will allow the replacement dwelling to conform to the side yard setbacks and lot coverage requirements. While the replacement house will continue to encroach into both the 20-foot required between a garage and the street, and rear yard setback, the rear of the dwelling will be between 2 to 5 feet further from the rear property line than the existing house, the front of the house moved as much as 13 feet back from the front property line and the structure will no longer be significantly non-conforming. The new house will also replace the required parking spaces that were lost to the unpermitted garage conversion.

In order to accommodate the lot coverage restrictions and to provide a reasonably sized dwelling on this substandard lot, the new dwelling will require a variance to encroach 10 feet into the rear yard setback and to decrease the required garage setback, from 20 feet to 16 feet.

No grading is proposed for this project and no trees are proposed to be removed. An existing log barrier that extends into the public right-of-way will be removed and new landscaping added.

### **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 1,600 square feet, located in the R-1-3.5 (Single-family residential – 3,500 square foot minimum lot size) zone district, a designation, which allows residential uses. The proposed replacement dwelling is a principal permitted use within the zone district and the project is similarly consistent with the site's (R-UH) Urban High Residential General Plan designation.

Per County Code Section 13.10.552(a), the development is required to provide a total of two on-site parking spaces. The proposed garage accommodates one space, while the additional required space is located in tandem with the garage.

### **Local Coastal Program Consistency**

The proposed replacement dwelling and attached garage 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 of one and two story construction. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public

road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

### **Design Review**

The proposed replacement dwelling complies with the requirements of the County Design Review Ordinance, in that the proposed project will incorporate site and architectural design features such as second story wooden shingle siding, decorative knee bracing and low-pitched roofline to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

The properties immediately adjacent to the north and west are developed with two-story dwellings that are taller and substantially bulkier than the proposed subject property (see Exhibit A). The dwelling located to the east is single-story, however the shadow studies indicate that the impact on the availability of light and air to the smaller dwelling will not be significant. Overall, the proposed design adds visual interest and high-quality elements, which represent a positive addition to the existing palette of architectural styles and forms in the neighborhood.

The project has been reviewed and approved by the County Urban Designer, Larry Kasparowitz.

### **Variance**

As previously stated, the lot is 1,600 square feet in area, about half of the size of the majority of the surrounding parcels in the neighborhood and less than half of the required minimum lot size for the zone district (R-1-3.5). It is not feasible to construct a modestly sized dwelling on a lot that is only 40-feet deep, given the 10-foot front and 15-foot rear yard required setbacks. Additionally, the garage setback is required to be a minimum of 20 feet. A variance is required in order to reduce the required garage setback from 20 feet to 16.3 feet and to reduce the rear yard setback from 15 feet to 5 feet, in order to provide a minimal 415 square foot ground-level footprint. The variance will not allow any construction that would increase the degree of non-conformity and as noted, the resulting dwelling represents an overall improvement and replaces the significantly non-conforming structure with a structure that presents far fewer impacts to surrounding properties.

The second story will be stepped back from the rear property line and adjacent dwelling to the north in an effort to reduce any potential impact to the neighboring lot. While the second story still will not comply with the 15-foot rear yard setback, it is setback 10 feet, which provides the neighboring property access to light and air as well as privacy. It should be noted that the rear yard of the subject property abuts the side yard of the lot to the north; therefore the northern dwelling can be located to within 5 feet of the shared property line. The height of the new building is only 21 feet, which is less than the 28-foot maximum height allowed in this location. Therefore, the impact of the building height on the rear neighbor is expected to be minimal.

The required 20-foot garage setback is not feasible on the subject property given the 40-foot lot depth. The 16.3-foot proposed setback represents an improvement over the existing building footprint, which is currently less than 10 feet. The proposed garage placement also

accommodates the on-site parking requirements. From the perspective of design quality in the neighborhood, a well-designed garage is preferable to open parking in this neighborhood of smaller lots. Because County Code Section 13.10.323 (e)(7) allows front yard averaging on sites situated between lots improved with buildings, the replacement home complies with the front yard setback, which in this case is less than 10 feet. The setback is calculated by averaging the front yards of the dwellings on either side of the subject lot, which are each less than 10 feet. Therefore the proposed replacement dwelling, which is to be set back 10 feet, complies with the provisions of the County Code that allows front yard averaging and a minimum 10 foot front yard setback.

### **Environmental Review**

The proposed residential addition is categorically exempt from review under the Environmental Quality Act (CEQA) consistent with CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

### **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**

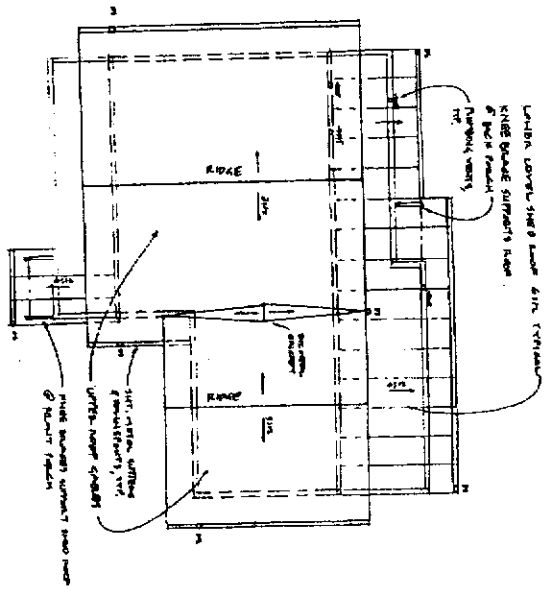
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 09-0124, based on the attached findings and conditions.

**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.**

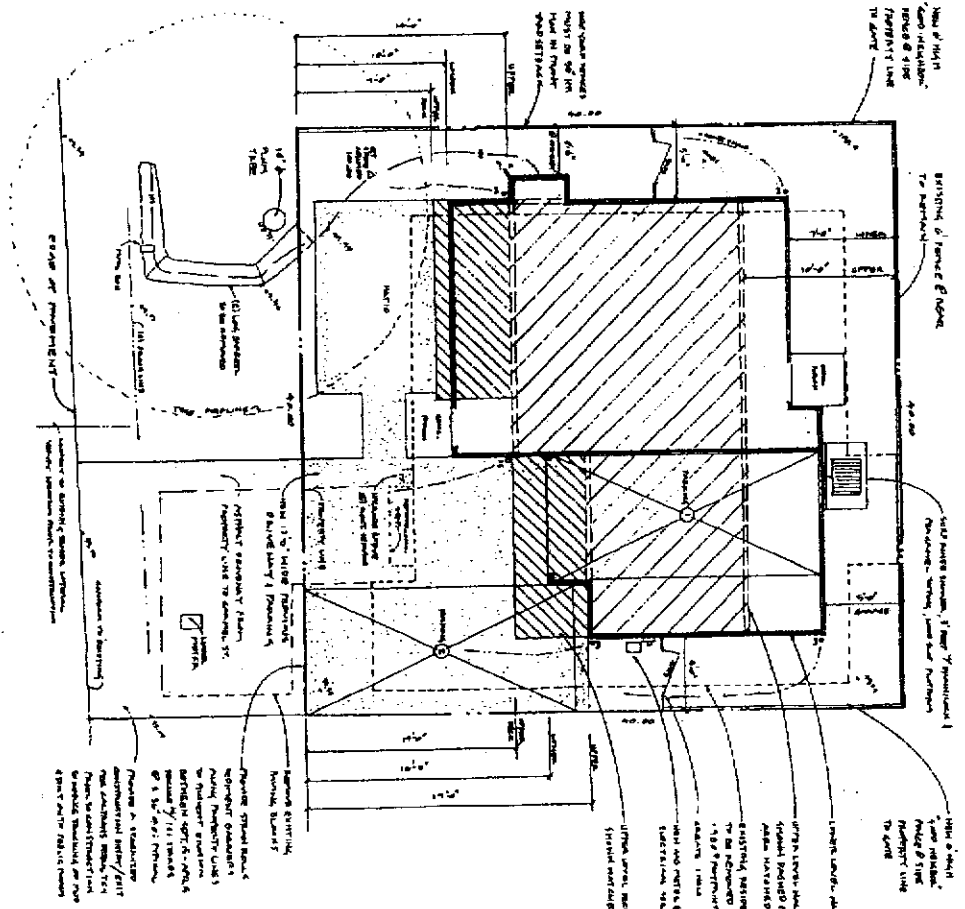
**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Robin Bolster-Grant  
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Santa Cruz CA 95060  
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E-mail: [robin.bolster@co.santa-cruz.ca.us](mailto:robin.bolster@co.santa-cruz.ca.us)

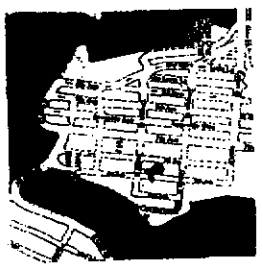
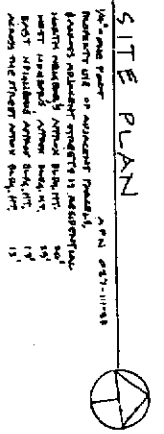
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12.000 PLAIN  
1/4" x 10" x 10"



CARMELO STREET (1914-1920)



Replacement Ho 6 / 47 John Groat  
821 Carmel Street Santa Cruz, CA  
95062 (408) 297-1111

**DANA JONES**  
The 1984 Academy Award  
winner for Best Actress  
for her role in "The  
Fugitive"

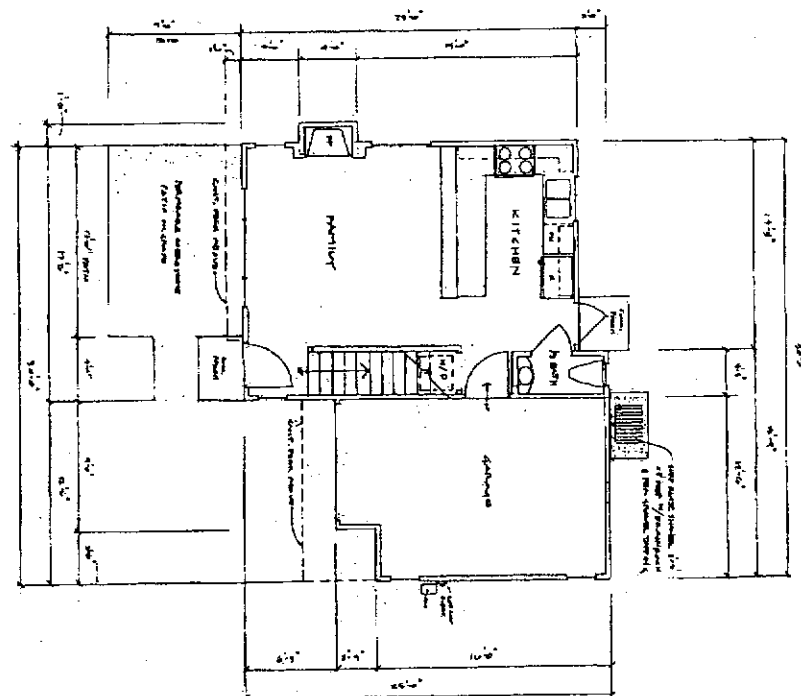
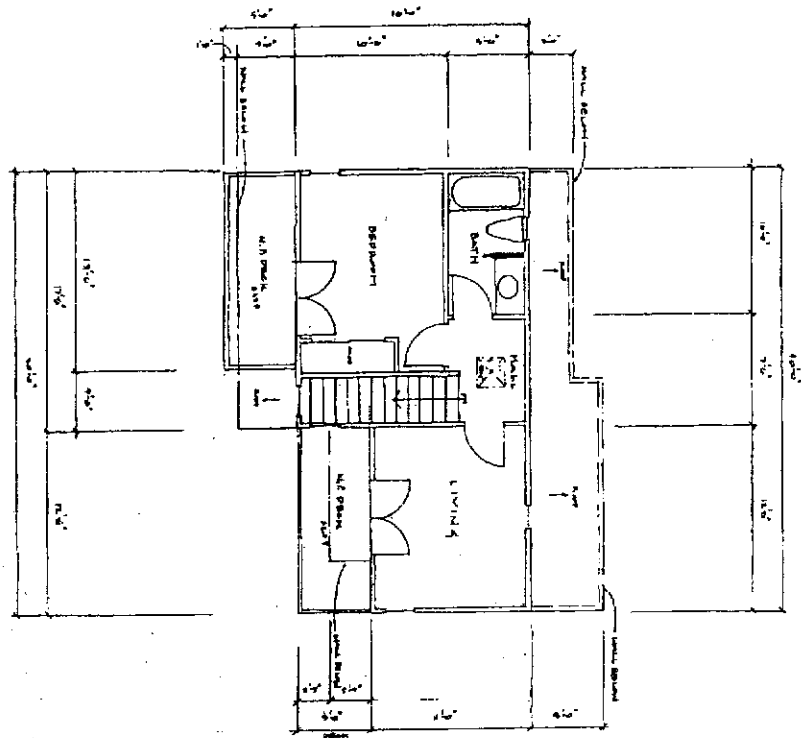


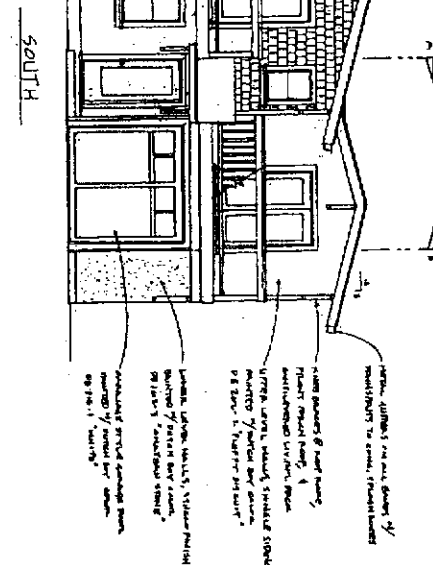
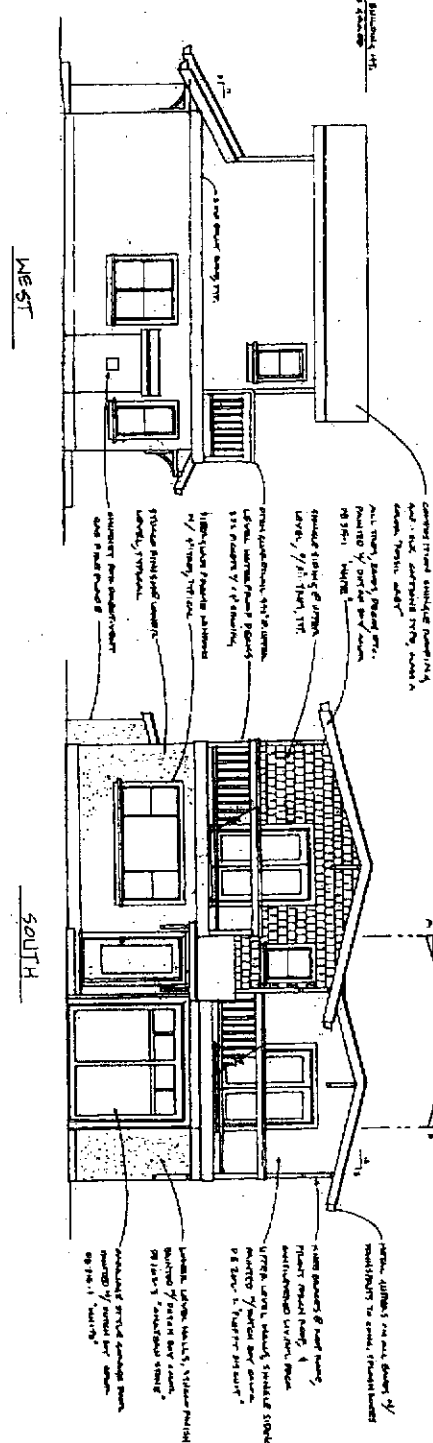
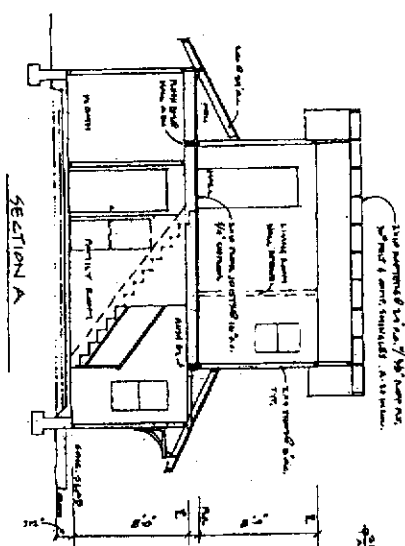
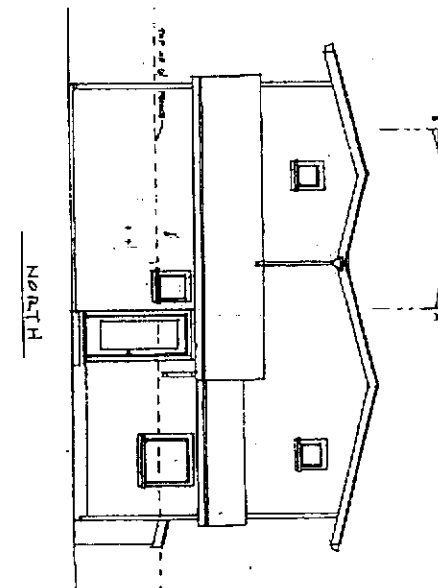
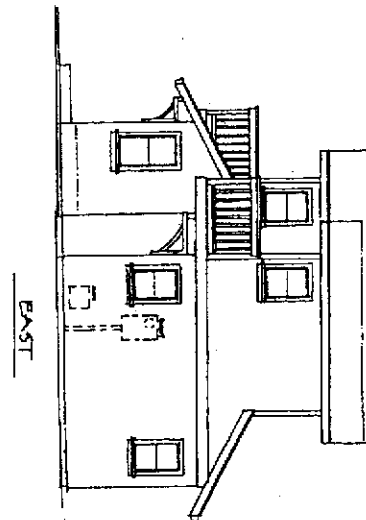
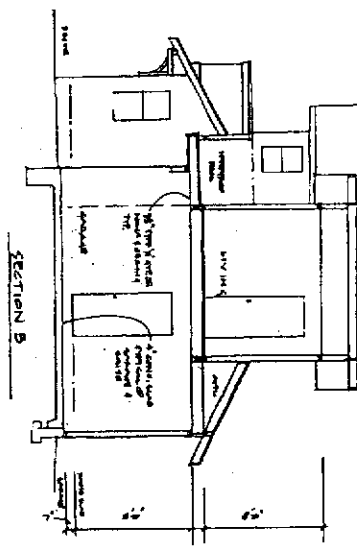
EXHIBIT A

DANA  
 JONES  
 REAL ESTATE  
 1000 sq. ft.

Rt 7 / 47ment Home for John Groat  
 821 Carmel Street Santa Cruz, CA  
 95060

FLOOR PLANS





## EXHIBIT

**DANA JONES**  
FBI Agent, Atlanta  
1991-1993

R8 / 47ment Home for John Groat  
821 Carmel Street Santa Cruz, CA  
95062 A.P.N. 027-111-33

## PLANTING AREA PREPARATION

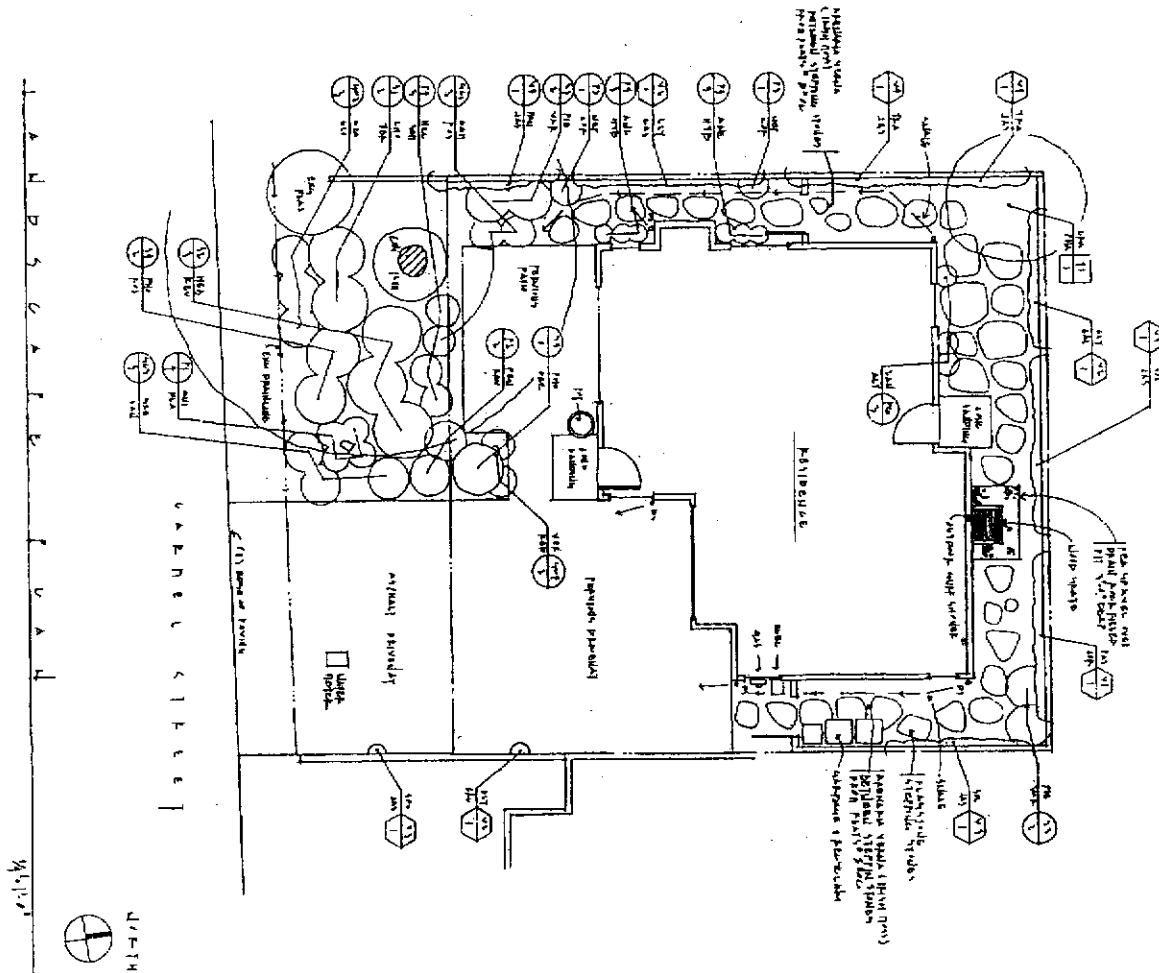
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### QUALITY OF PLANT MATERIALS

1. **Payroll not conforming to business injury standards is treated unacceptable** by the Insurance Association, which will be considered acceptable and will be replaced if no additional credit is provided.
2. **Payroll not conforming to business injury standards is treated unacceptable** by the Insurance Association, which will be considered acceptable and will be replaced if no additional credit is provided.
3. **Payroll not conforming to business injury standards is treated unacceptable** by the Insurance Association, which will be considered acceptable and will be replaced if no additional credit is provided.

## REGISTRATION

2. Except for the playing field, used by 50 % of the city over 20% 50-60 days a year, the city has no other public property that is used by 50 % of the city over 20% 50-60 days a year.
3. All playing areas used by the residents with 1/2 or otherwise daily, if there is no approved sidewalk.
4. All areas used by the residents with 1/2 or otherwise daily are now under the city's jurisdiction.
5. The residents who have been in the city for 50 days or more of the year have been in the city for 50 days or more of the year.

[illegible]

**EXHIBIT A**

74507

REVISIONS

PAJB  
7-5 - 29

531-426-6695  
1-800-444-4444

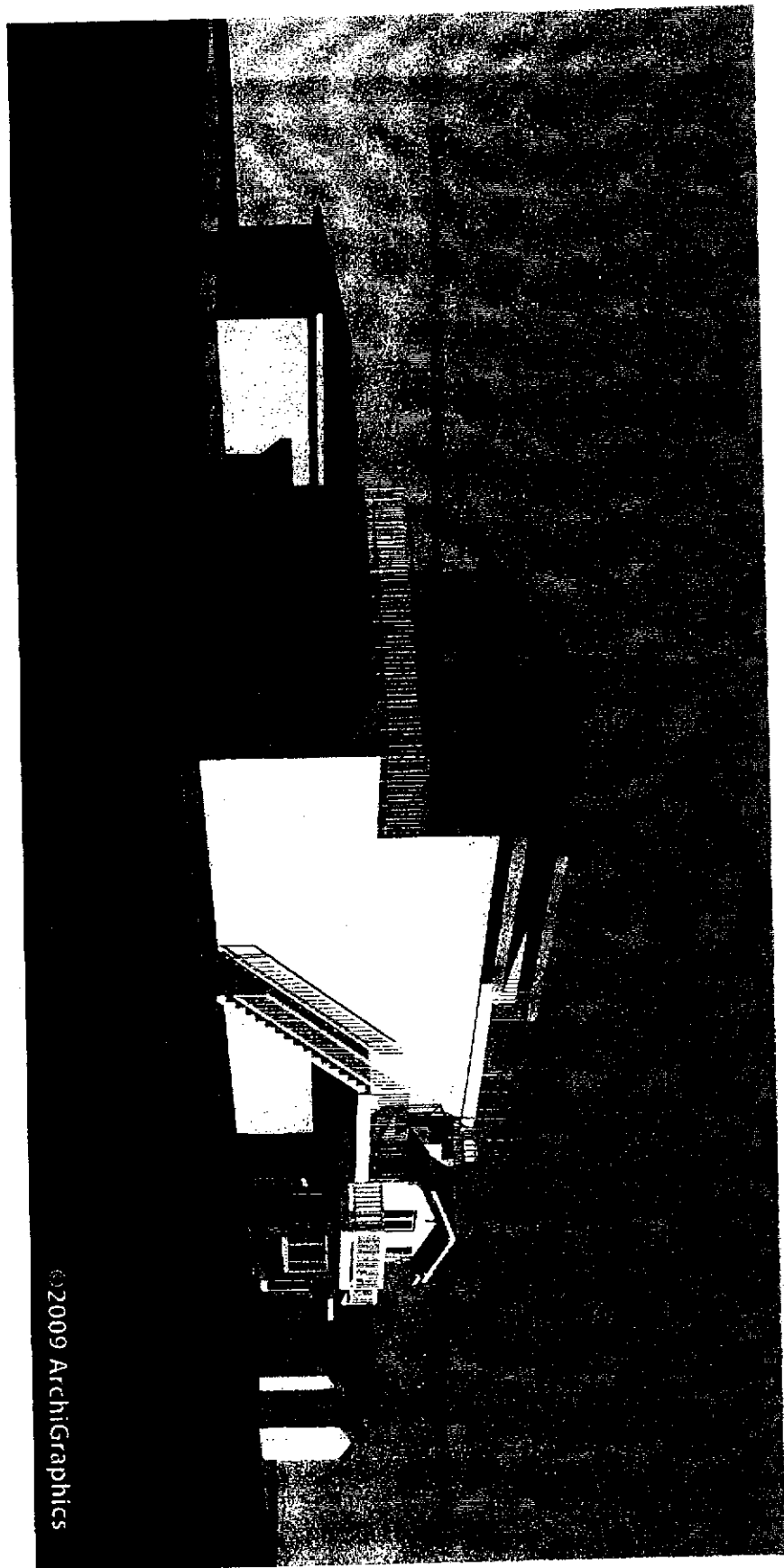
ELLEN COOPER  
LANDSCAPE ARCHIT9/47

LANDSCAPE PLANT

JOHN E. LIBBY GREAT

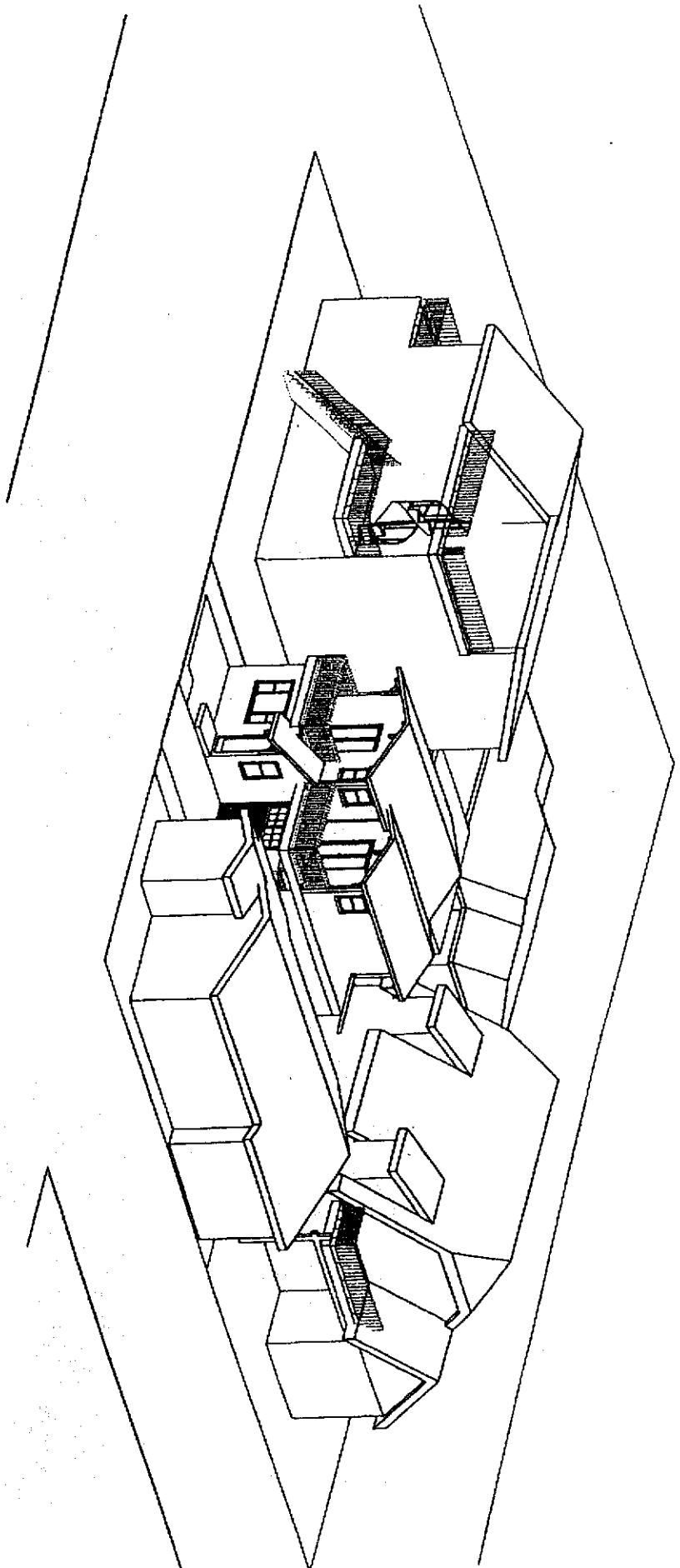


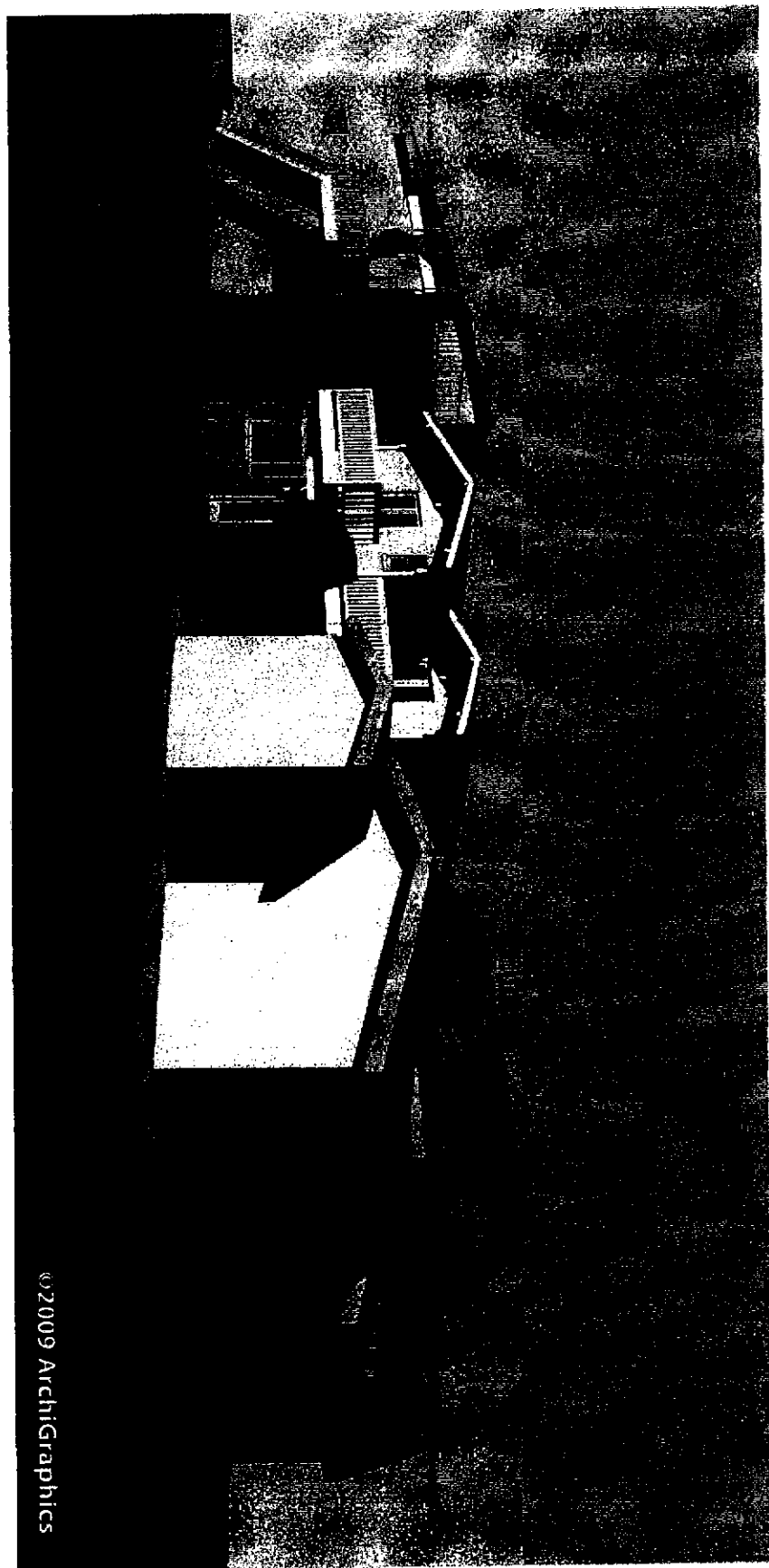
Groat residence perspective view 1  
Designer: Dana Jones



©2009 ArchiGraphics

Groat Axonometric  
821 Carmel Street, Santa Cruz  
Axonometric: ArchiGraphics  
March 20, 2009





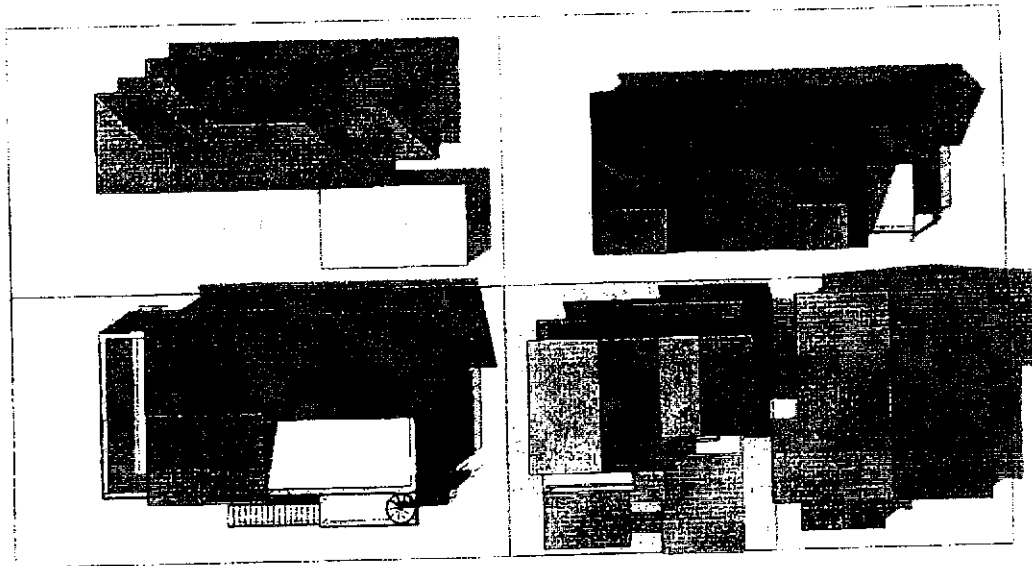
1000 RESIDENCE DEVELOPMENT VIEW 2  
DESIGNED BY JAMES JOHNSON

©2009 ArchiGraphics

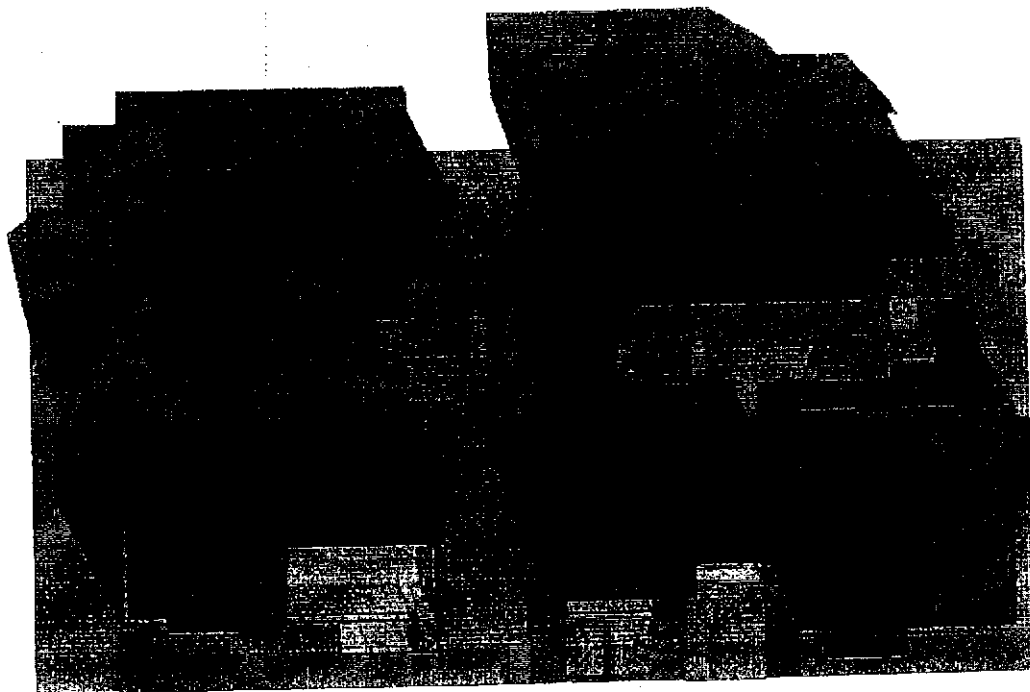


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Groat streetscape  
821 Carmel Street, Santa Cruz  
Designer: Dana Jones



June 21, 2 pm

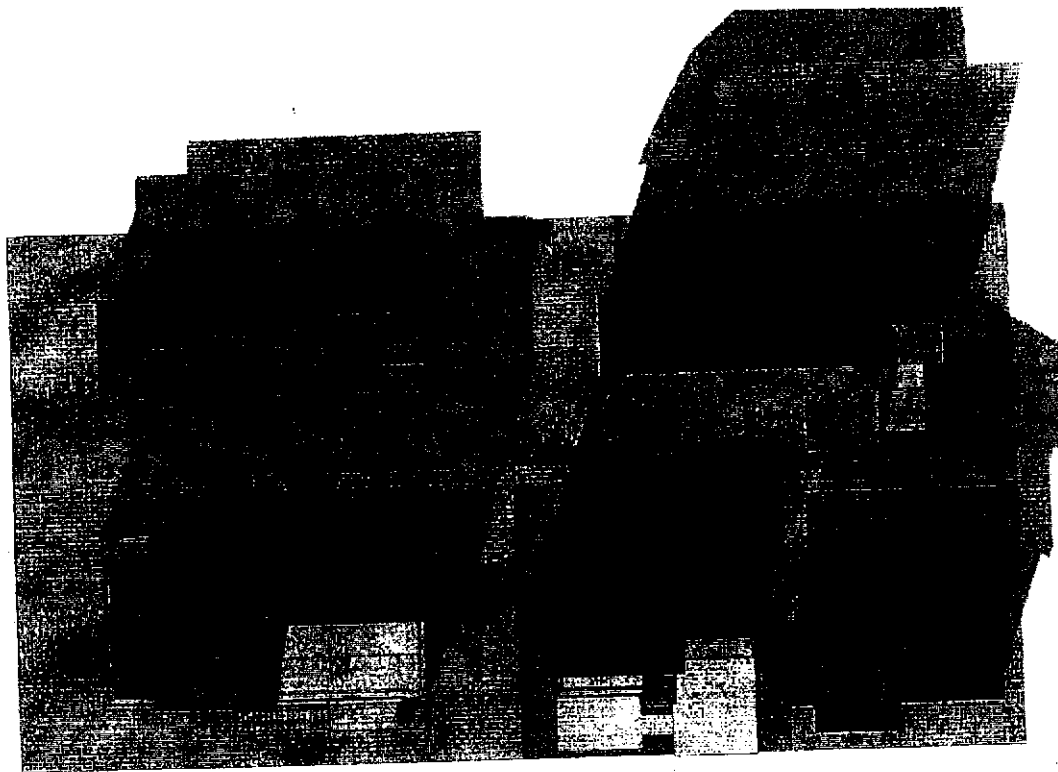


June 21, 10 am

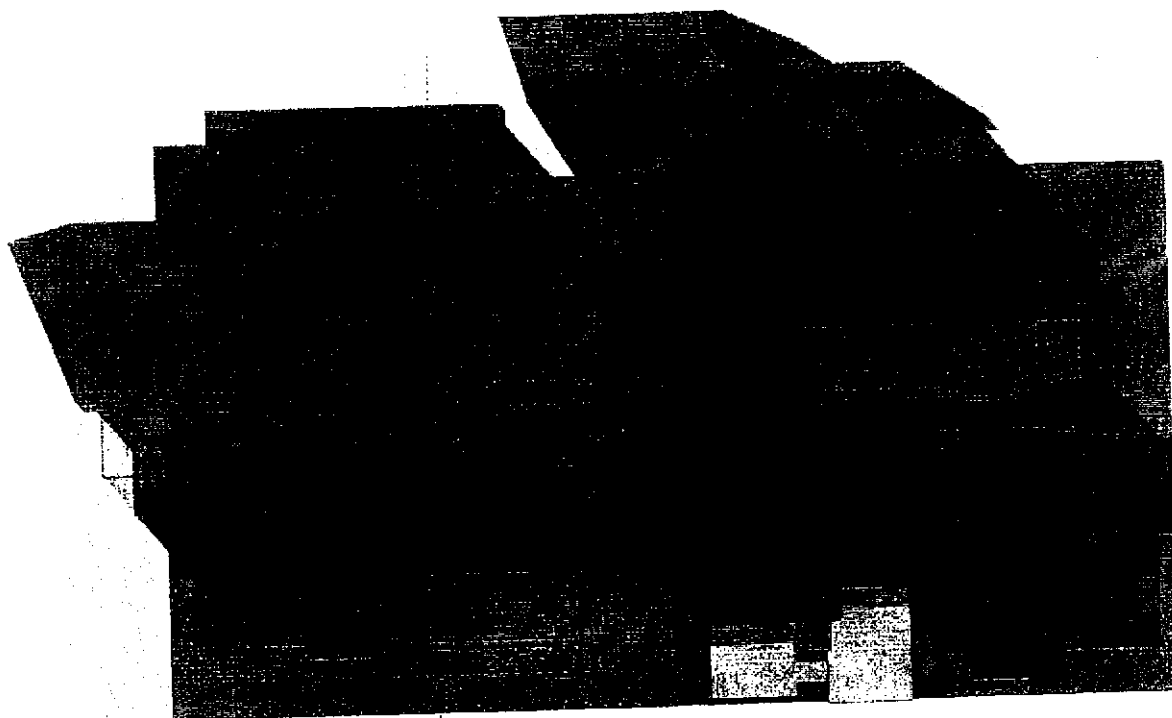
Groat Summer Shadow Study

Sun study: ArchiGraphics

March 20, 2009



Dec. 21, 2 pm



Dec 21, 10 am

Groat Winter Shadow Study  
Sun study: ArchiGraphics  
March 20, 2009

## **Coastal Development Permit Findings**

1. **That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned R-1-3.5 (Single-Family Residential – 3,500 square foot minimum parcel size), a designation which allows residential uses. The proposed replacement dwelling is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High 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, beach, or bluff top. Architectural design features include the use of both wood shingles and stucco siding, ornamental knee bracing, and carriage-style garage door. These elements add visual interest, enhance the relationship with the surrounding dwellings in the neighborhood, and help to integrate the disparate architectural styles that exist in close proximity to the subject parcel.

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

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the replacement 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-1-3.5 (Single-Family Residential – 3,500 square foot minimum parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. Further,

## 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.**

The project is located in an area designated for Residential uses. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed replacement dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the second story portion of the new dwelling is set back from the ground floor at the rear of the lot. A variance is included in this application in order to reduce the required rear yard and garage setbacks to accommodate a modestly sized dwelling on a substandard lot.

Given the required setbacks and the 40-foot lot depth, a dwelling would not be feasible on this property without variances to site standards for the R-1-3.5 zone district.

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.**

While the existing legal parcel of record is substandard with respect to parcel size under the R-1-3.5 (Single-family residential – 3,500 square foot minimum lot size) zone district, the proposed residential development represents an improvement to the existing footprint. The proposed replacement house will be smaller in area than the existing dwelling and the degree of encroachment into required setbacks will be significantly reduced on three sides. The proposed replacement house will comply with required lot coverage, while the existing dwelling does not.

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.**

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the replacement dwelling will not adversely shade adjacent properties. The proposed house, while encroaching into required setbacks for the zone district, is an improvement over the longstanding non-conformity represented by the existing house. The new structure will be pulled back from three sides of the property, will comply with the required lot coverage and floor area ratio, and will provide the required on-site parking.

The proposed residential development 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, other than the garage and rear yard setback, the proposed residential addition complies with the site standards for the R-1-3.5 zone district (including 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 proposed dwelling is very modest in size and the variances are necessary to provide economic use of the legal parcel.

Due to the size of the subject parcel, the proposed design and configuration is the most feasible and least impactful to the surrounding neighborhood.

The proposal meets all design standards that apply to the Harbor Area Special Community, in that the replacement dwelling adds visual interest and high-quality elements, which represent a positive addition to the existing palette of architectural styles and forms in the neighborhood.

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 residential development is to be constructed on an existing developed lot and the project does not include any additional bedrooms. No additional trip generation will result from the proposal.

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 residential development is located in a mixed neighborhood containing a variety of architectural styles, and the construction is consistent with the land use intensity and density of the neighborhood. Through the use of a low-pitched roofline, carriage-style garage door, wood shingles and other design elements, the replacement house enhances and complements the relationship among the dwellings in 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 replacement dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The size, scale, and location of the proposed development is consistent with the surrounding properties in the neighborhood.

## 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.**

Due to the small size of the subject parcel, it is not possible to construct a reasonably sized house without encroaching into the rear setback and reducing the 20-foot setback to the garage. A variance is necessary to construct a replacement dwelling, as the required setbacks would leave a building envelope only 10 feet in width. The strict application of the zoning ordinance with respect to setbacks would deprive the property owner of a reasonable amount of living space for their primary residence, a privilege enjoyed by other properties in the area.

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.**

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 in that the existing structure has not been detrimental to public health, safety or welfare and the replacement house is more conforming than the existing. The existing dwelling has occupied the site over 85 years, extending to within inches of the rear property line and non-conforming with respect to lot coverage as well as front and rear yard setbacks. The existing structure is significantly nonconforming in that it is located less than 5 feet from the adjacent dwelling to the east. The replacement dwelling eliminates and/or improves all of the existing areas of non-conformance and results in a house that is more than 100 square feet smaller than the house that has historically occupied the site.

Although the replacement dwelling adds a second story where none previously existed, the second floor is setback an additional five feet and allows the adjacent properties adequate access to light and air. The proposed home will be seven feet shorter than the zoning ordinance allows.

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.**

The majority of the dwellings on this block of Carmel Street were developed prior to the adoption of the zone district standards. Many of the older dwellings on the block have been constructed within the front yard setbacks and the adjacent house to the east exceeds the standards for lot coverage in addition to setback encroachments. Thus, many of the structures on this block of Carmel Street do not conform to this zone district site development standard. Any repairs or replacement of exterior elements of many of these structures will require a variance approval. Therefore, granting of this variance will not constitute a grant of special privileges inconsistent with the limitations upon the surrounding neighbors. The granting of the variance to reduce the rear yard and garage setbacks will provide a reasonable amount of living space for a primary residence. Denial of the proposed variance would result in a hardship for the property owner by extinguishing the ability to replace the existing substandard house.

## Conditions of Approval

Exhibit A: Project plans, 3 sheets, prepared by Dana Jones, undated, Landscape Plan, 1 sheet, prepared by Ellen cooper, dated 3-5-09, Topographic Survey Map, prepared by Cary Edmundson & Associates, dated November 5, 2008.

- I. This permit authorizes the demolition of an existing one-story single family dwelling and the construction of a two-story 800 square foot single family dwelling and attached garage. 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.
    - I. Demolition must comply with all requirements of the Monterey Bay Unified Air Pollution Control District.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    - I. 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.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
    - I. No landscaping shall be permitted to encroach into the right-of-way such that public parking is impacted.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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. Erosion control plans must include fencing at the perimeter of the dripline of the plum tree, per the project arborist's recommendations.
  3. Plans shall include a note stating that the project arborist shall be onsite during the excavation necessary for the construction of the patio to ensure adequate protection of the tree.
  4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 21 feet as shown on Exhibit A.
  5. The second floor of the dwelling must conform to the required 15-foot front yard setback.
  6. Details showing compliance with fire department requirements.
- B. 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.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. Provide required off-street parking for two (2) 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.

- G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Once plans have been approved by all agencies, provide a plan review letter from the soils engineer referencing the final revised drawings and stating that they conform to the provided recommendations.
- E. Provide a letter from the project arborist, which states that the necessary root pruning and other tree protection measures are in conformance with the arborist's recommendations.
- F. 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 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 three 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,**

Application #: 09-0124  
APN: 027-111-33  
Owner: John Groat

**will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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

\_\_\_\_\_  
Robin Bolster-Grant  
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: 09-0124

Assessor Parcel Number: 027-111-33

Project Location: 821 Carmel Street

**Project Description: Demolition of existing single-family residence and construction of a new two-story single-family dwelling and attached garage.**

**Person or Agency Proposing Project: John Groat**

**Contact Phone Number: (408) 742-0789**

- 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: 15303. New Construction or Conversion of Small Structures

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

Replacement of an existing single-family dwelling

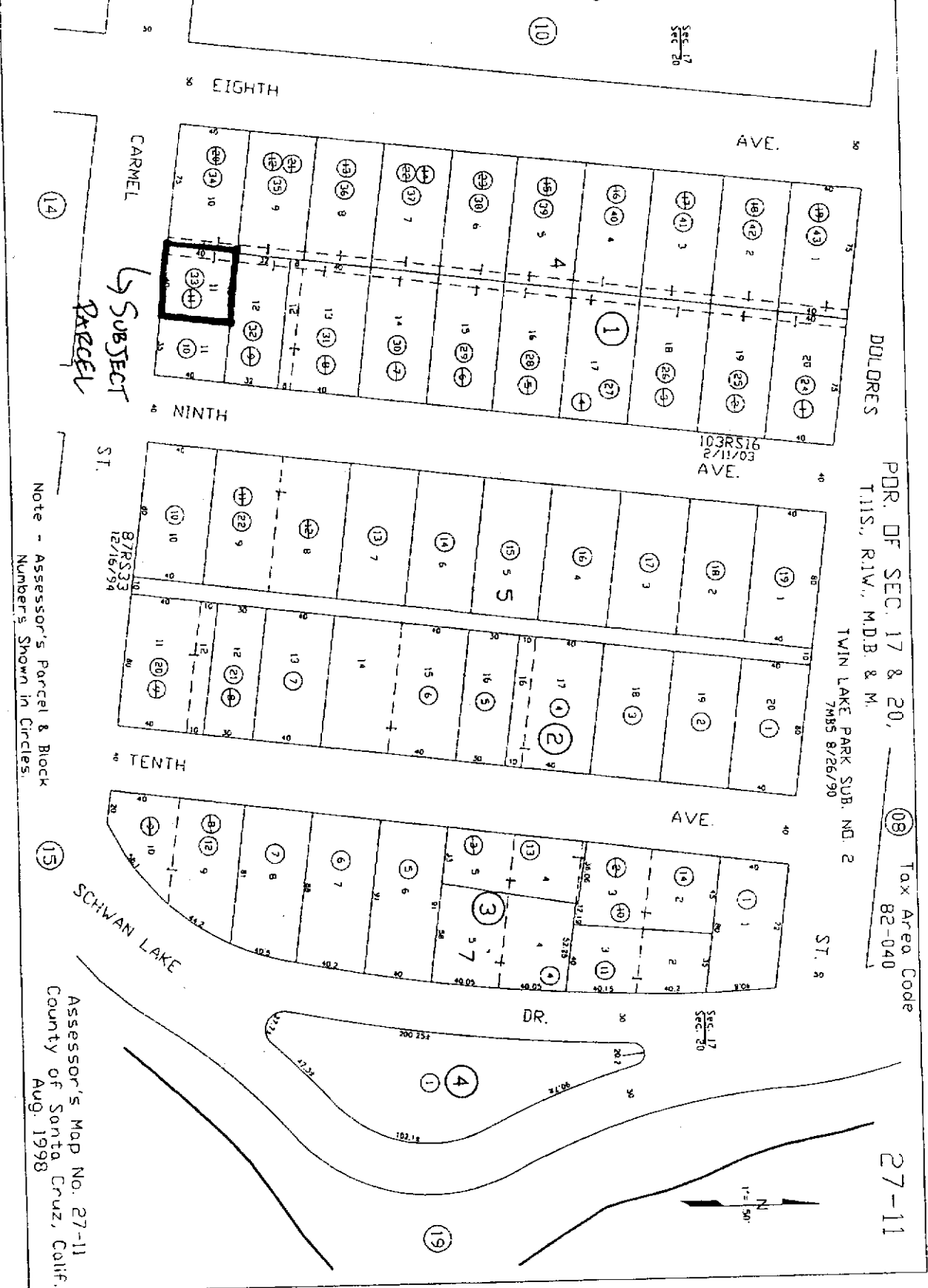
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Robin Bolster-Grant, Project Planner

Date: \_\_\_\_\_

# FOR TAX PURPOSES ONLY

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

Assessor's Map No. 27-11  
 County of Santa Cruz, Calif.  
 Aug. 1998

POR. OF SEC. 17 & 20,  
 TINS., R.I.W., M.D.B. & M.

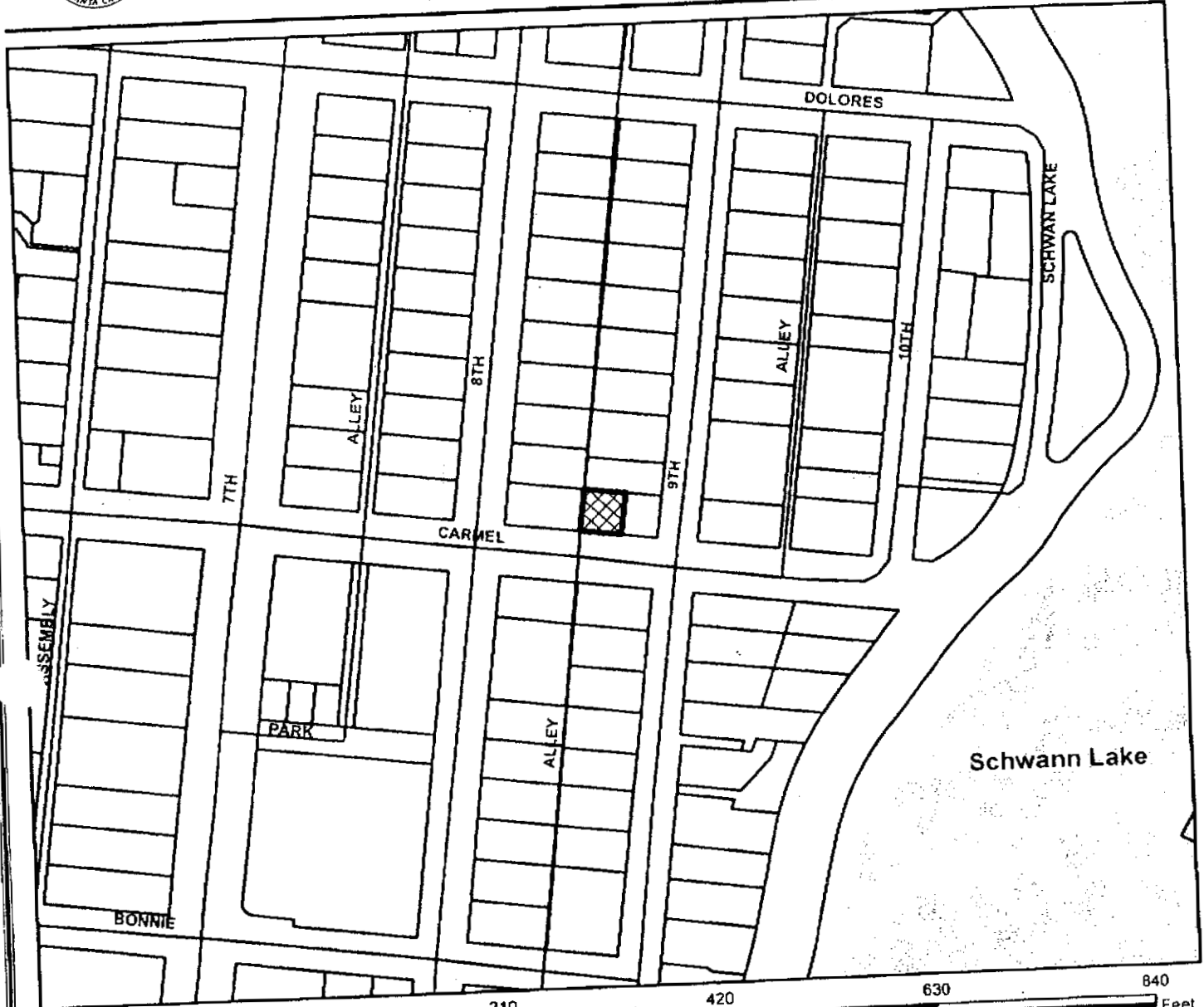
TWIN LAKE PARK SUB. NO. 2  
 7MBS 8/26/90

08 Tax Area Code  
 82-040





27-11

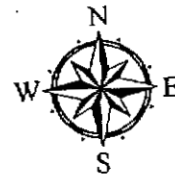


# Location Map



## LEGEND

-  APN: 027-111-33
-  Assessors Parcels
-  Streets
-  Lakes

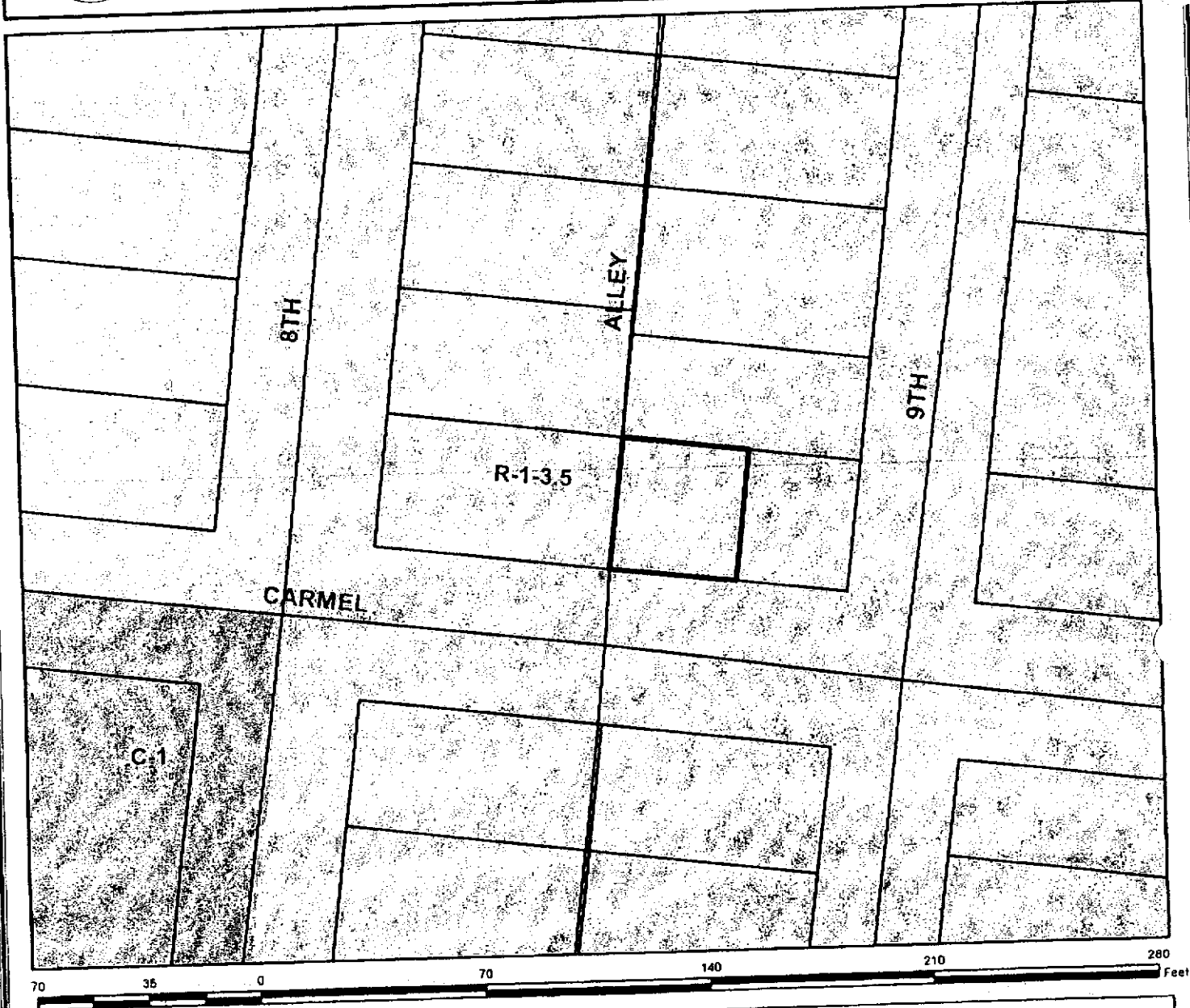


Map Created by  
County of Santa Cruz  
Planning Department  
April 2009

EXHIBIT B

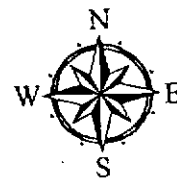


# Zoning Map



## LEGEND

- APN: 027-111-33
- Assessors Parcels
- Streets
- RESIDENTIAL-SINGLE FAMILY
- COMMERCIAL-NEIGHBORHOOD

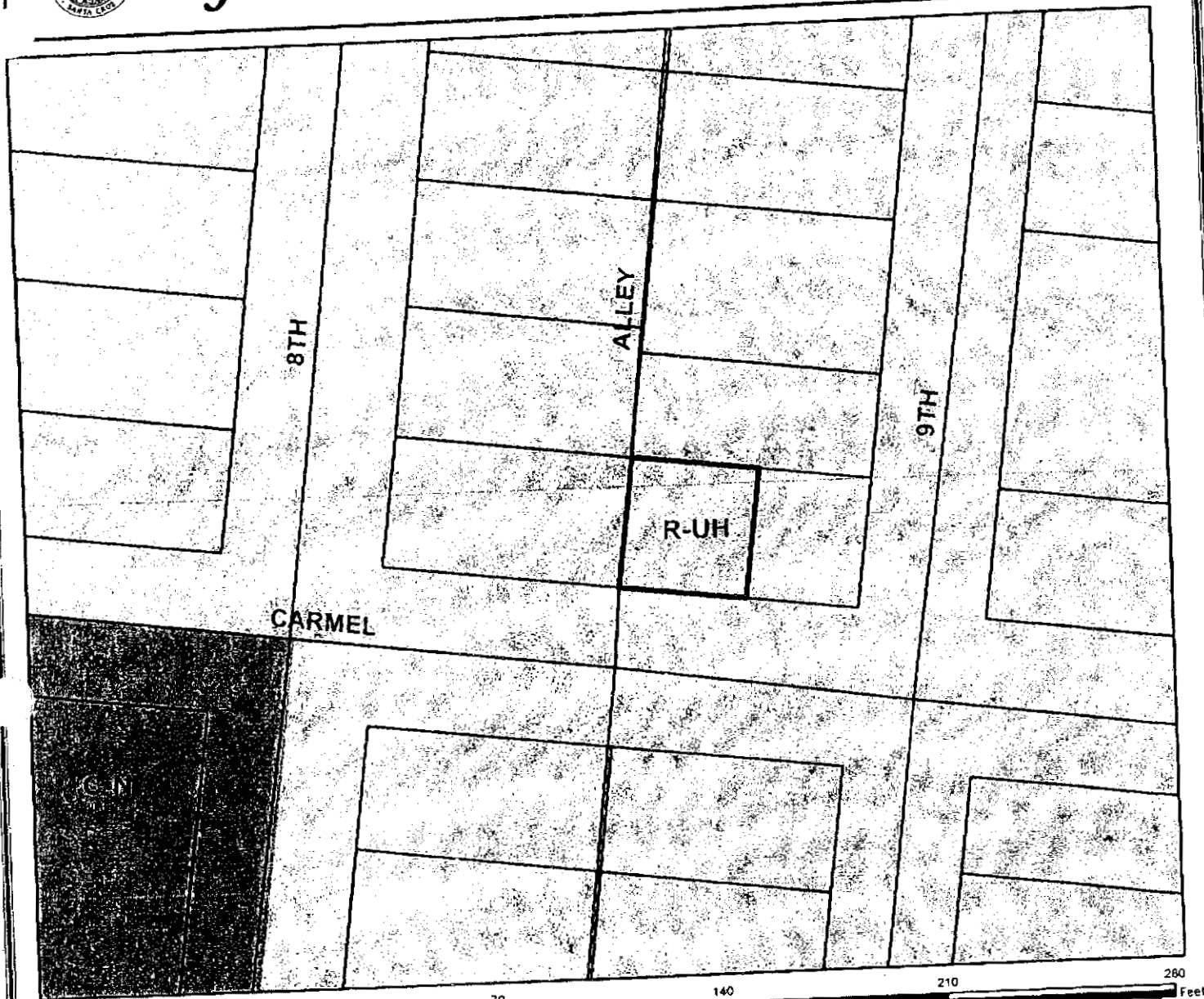


Map Created by  
County of Santa Cruz  
Planning Department  
April 2009

EXHIBIT E

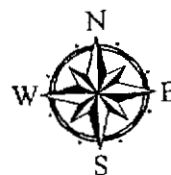


# General Plan Designation Map



## LEGEND

- APN: 027-111-33
- Assessors Parcels
- Streets
- Residential - Urban High Density
- Commercial-Neighborhood



Map Created by  
County of Santa Cruz  
Planning Department  
April 2009

EXHIBIT E



C O U N T Y   O F   S A N T A   C R U Z  
D I S C R E T I O N A R Y   A P P L I C A T I O N   C O M M E N T S

Project Planner: Robin Bolster  
Application No.: 09-0124  
APN: 027-111-33

Date: June 17, 2009  
Time: 17:34:44  
Page: 1

**Environmental Planning Completeness Comments**

===== REVIEW ON APRIL 29, 2009 BY ANTONELLA GENTILE =====

1. Provide recommendations from the landscape architect for protection of the existing plum tree. Include a brief analysis of how to mitigate for removal of the log barrier.

===== UPDATED ON JUNE 12, 2009 BY ANTONELLA GENTILE =====

Project complete per Environmental Planning.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON APRIL 29, 2009 BY ANTONELLA GENTILE =====

Miscellaneous comments:

1. Although this parcel is mapped for the presence of the Zayante band-winged grasshopper, the species is not expected to occur here due to the presence of existing development and the lack of proper habitat.

2. The existing plum tree is misrepresented on the plans in that at breast height (4.5'), it is a multi-trunk tree rather than an 18" diameter tree.

3. A soils report will be required for this project during the building permit application process.

4. Conditions will be added once all completeness items have been resolved.

===== UPDATED ON JUNE 12, 2009 BY ANTONELLA GENTILE =====

Prior to building permit approval:

1. Submit a soils report prepared by a licensed geotechnical engineer for review and acceptance by Environmental Planning.

2. Prepare plans in conformance with all recommendations in the soils report.

3. Include a note on the plans referencing the soils report and stating that the project shall conform to its recommendations.

4. Once plans have been approved by all agencies, provide a plan review letter from the soils engineer referencing the final revised drawings and stating that they conform to the provided recommendations.

5. Provide an erosion control plan that includes fencing at the dripline of the plum tree per the arborist's recommendations.

6. Include a note on the plans that states that the project arborist shall be onsite during excavation for the patio to observe all necessary root pruning.

Prior to building permit final:

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 09-0124  
APN: 027-111-33

Date: June 17, 2009  
Time: 17:34:44  
Page: 2

1. Provide a letter from the soils engineer stating that all aspects of the project have been completed in conformance with the recommendations provided in the soils report.
2. Provide a letter from the project arborist stating that root pruning was conducted in conformance with her recommendations.

**Code Compliance Completeness Comments**

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

===== REVIEW ON APRIL 9, 2009 BY KEVIN M FITZPATRICK =====

NO COMMENT

the demolition of the existing house will resolve the code violation. (KMF)

**Code Compliance Miscellaneous Comments**

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

===== REVIEW ON APRIL 9, 2009 BY KEVIN M FITZPATRICK =====

NO COMMENT

As this is a new owner and is working on resolving the violation, code compliance will not put any time constraints on the project. All due enforcement costs will have to be paid before an expungment of any recordations will be done. (KMF)

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON APRIL 23, 2009 BY GERARDO VARGAS ===== Application 09-0124 has been approved for the discretionary stage in regards to drainage. Please see miscellaneous comments to be addressed at the building application stage.

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

**Dpw Drainage Miscellaneous Comments**

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

===== REVIEW ON APRIL 23, 2009 BY GERARDO VARGAS ===== 1. Specify the ultimate surface material to be use for the patio. and parking area(s).

2. Provide a typical cross section detail of the of the patio and parking area(s).

3. Please delineate the semi-permeable surfaces on the plan by using different hatching

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$1.03 per square foot, and are assessed upon permit issuance.

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 09-0124  
APN: 027-111-33

Date: June 17, 2009  
Time: 17:34:44  
Page: 3

Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

You may be eligible for fee credits for pre-existing impervious areas to be demolished. To be entitled for credits for pre-existing impervious areas, please submit documentation of permitted structures to establish eligibility. Documentations such as assessor's records, surveys records, or other official records that will help establish and determine the dates they were built, the structure footprint, or to confirm if a building permit was previously issued is accepted.

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

**Dpw Driveway/Encroachment Completeness Comments**

===== REVIEW ON APRIL 17, 2009 BY DEBBIE F LOCATELLI =====  
Please see Compliance issues. ===== UPDATED ON MAY 28, 2009 BY DEBBIE F LOCATELLI =====  
Compliance issues addressed.

**Dpw Driveway/Encroachment Miscellaneous Comments**

===== REVIEW ON APRIL 17, 2009 BY DEBBIE F LOCATELLI =====  
Driveway to conform to County Design Criteria Standards. Encroachment section shall require the frontage to be paved a width of 9 feet, to accommodate permit parking and swale.  
Encroachment permit required for all off-site work in the County road right-of-way.  
Any landscaping proposed shall be maintained by the owners year round to prevent encroachment onto the county maintained road. The landscaping shall be included in the encroachment permit for work within the county right-of-way.  
===== UPDATED ON MAY 28, 2009 BY DEBBIE F LOCATELLI =====  
Issues above addressed.

Please condition permit to include the following: Encroachment permit required at the time of building permit submittal for work completed within the county right-of-way.

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON APRIL 22, 2009 BY ANWARBEG MIRZA =====  
1. The driveway must meet County of Santa Cruz standards in the Design Criteria. Please refer the correct figure and show in plan view. Please refer to the SC Design Criteria for references. Click for the link below: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.pdf> ===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====  
Complete.

**Dpw Road Engineering Miscellaneous Comments**

===== REVIEW ON APRIL 22, 2009 BY ANWARBEG MIRZA =====

Discretionary Comments - Continued

Project Planner: Robin Bolster  
Application No.: 09-0124  
APN: 027-111-33

Date: June 17, 2009  
Time: 17:34:44  
Page: 4

1. Comply with encroachment requirements.

===== UPDATED ON JUNE 11, 2009 BY ANWARBEG MIRZA =====  
For building application, show driveway Fig: DW-5 in plan view.

**Dpw Sanitation Completeness Comments**

===== REVIEW ON APRIL 9, 2009 BY CARMEN M LOCATELLI =====  
Sewer service is currently available.

**Dpw Sanitation Miscellaneous Comments**

===== REVIEW ON APRIL 9, 2009 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.  
Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District. Show all existing and proposed plumbing fixtures on floor plans of building application.

**COUNTY OF SANTA CRUZ**  
**INTER-OFFICE CORRESPONDENCE**

**DATE:** April 22, 2009  
**To:** Robin Bolster-Grant Project Planner  
**From:** Steve Guiney, Planning Department Liaison to the Redevelopment Agency  
**SUBJECT:** Application 09-0124, Demo & rebuild an SFD, 1<sup>st</sup> routing, APN 027-111-33, 821 Carmel Street, Live Oak

---

The applicant is proposing to demolish an existing single-family dwelling and construct an 800 square foot, two-story single-family dwelling. The proposal requires a coastal development permit and variances to reduce the required rear yard from 15 feet to about 5 feet and the required 20 foot garage setback to 16 feet 3 inches. The property is located on the north side of Carmel Street between 8<sup>th</sup> and 9<sup>th</sup> Avenues, at 821 Carmel Street...

The proposal includes removal of an existing log barrier that extends into the public right-of-way and the addition of landscaping in that area. The proposed landscaping encroachment into the public right-of-way should be limited such that public parking is available completely off of the paved roadway.

The issue referenced above should be evaluated as part of this application and/or addressed by conditions of approval. RDA does not need to see future routings of this project unless there are changes or more information provided relevant to RDA's comments. RDA appreciates this opportunity to comment. Thank you.

cc: Rodolfo Rivas, DPW Road Engineering  
Paul Rodrigues, & Betsey Lynberg, RDA  
John Leopold, District Supervisor & Steve Kennedy, Analyst

## **Coastal Development Permit Findings**

- 1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.**

This finding can be made, in that the property is zoned R-1-3.5 (Single-Family Residential – 3,500 square foot minimum parcel size), a designation which allows residential uses. The proposed replacement dwelling is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High 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, beach, or bluff top. Architectural design features include the use of both wood shingles and stucco siding, ornamental knee bracing, and carriage-style garage door. These elements add visual interest, enhance the relationship with the surrounding dwellings in the neighborhood, and help to integrate the disparate architectural styles that exist in close proximity to the subject parcel.

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

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the replacement 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-1-3.5 (Single-Family Residential – 3,500 square foot minimum parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain one and two-story single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. Further,

## **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.**

The project is located in an area designated for Residential uses. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed replacement dwelling will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the second story portion of the new dwelling is set back from the ground floor at the rear of the lot. A variance is included in this application in order to reduce the required rear yard and garage setbacks to accommodate a modestly sized dwelling on a substandard lot.

Given the required setbacks and the 40-foot lot depth, a dwelling would not be feasible on this property without variances to site standards for the R-1-3.5 zone district.

- 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.**

While the existing legal parcel of record is substandard with respect to parcel size under the R-1-3.5 (Single-family residential - 3,500 square foot minimum lot size) zone district, the proposed residential development represents an improvement to the existing footprint. The proposed replacement house will be smaller in area than the existing dwelling and the degree of encroachment into required setbacks will be significantly reduced on three sides. The proposed replacement house will comply with required lot coverage, while the existing dwelling does not.

- 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.**

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties in that the replacement dwelling will not adversely shade adjacent properties. The proposed house, while encroaching into required setbacks for the zone district, is an improvement over the longstanding non-conformity represented by the existing house. The new structure will be pulled back from three sides of the property, will comply with the required lot coverage and floor area ratio, and will provide the required on-site parking.

The proposed residential development 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, other than the garage and rear yard setback, the proposed residential addition complies with the site standards for the R-1-3.5 zone district (including 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 proposed dwelling is very modest in size and the variances are necessary to provide economic use of the legal parcel.

Due to the size of the subject parcel, the proposed design and configuration is the most feasible and least impactful to the surrounding neighborhood.

The proposal meets all design standards that apply to the Harbor Area Special Community, in that the replacement dwelling adds visual interest and high-quality elements, which represent a positive addition to the existing palette of architectural styles and forms in the neighborhood.

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 residential development is to be constructed on an existing developed lot and the project does not include any additional bedrooms. No additional trip generation will result from the proposal.

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 residential development is located in a mixed neighborhood containing a variety of architectural styles, and the construction is consistent with the land use intensity and density of the neighborhood. Through the use of a low-pitched roofline, carriage-style garage door, wood shingles and other design elements, the replacement house enhances and complements the relationship among the dwellings in 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 replacement dwelling will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The size, scale, and location of the proposed development is consistent with the surrounding properties in the neighborhood.

## 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.**

Due to the small size of the subject parcel, it is not possible to construct a reasonably sized house without encroaching into the rear setback and reducing the 20-foot setback to the garage. A variance is necessary to construct a replacement dwelling, as the required setbacks would leave a building envelope only 10 feet in width. The strict application of the zoning ordinance with respect to setbacks would deprive the property owner of a reasonable amount of living space for their primary residence, a privilege enjoyed by other properties in the area.

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.**

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 in that the existing structure has not been detrimental to public health, safety or welfare and the replacement house is more conforming than the existing. The existing dwelling has occupied the site over 85 years, extending to within inches of the rear property line and non-conforming with respect to lot coverage as well as front and rear yard setbacks. The existing structure is significantly nonconforming in that it is located less than 5 feet from the adjacent dwelling to the east. The replacement dwelling eliminates and/or improves all of the existing areas of non-conformance and results in a house that is more than 100 square feet smaller than the house that has historically occupied the site.

Although the replacement dwelling adds a second story where none previously existed, the second floor is setback an additional five feet and allows the adjacent properties adequate access to light and air. The proposed home will be seven feet shorter than the zoning ordinance allows.

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.**

The majority of the dwellings on this block of Carmel Street were developed prior to the adoption of the zone district standards. Many of the older dwellings on the block have been constructed within the front yard setbacks and the adjacent house to the east exceeds the standards for lot coverage in addition to setback encroachments. Thus, many of the structures on this block of Carmel Street do not conform to this zone district site development standard. Any repairs or replacement of exterior elements of many of these structures will require a variance approval. Therefore, granting of this variance will not constitute a grant of special privileges inconsistent with the limitations upon the surrounding neighbors. The granting of the variance to reduce the rear yard and garage setbacks will provide a reasonable amount of living space for a primary residence. Denial of the proposed variance would result in a hardship for the property owner by extinguishing the ability to replace the existing substandard house.

## Conditions of Approval

Exhibit A: Project plans, 3 sheets, prepared by Dana Jones, undated, Landscape Plan, 1 sheet, prepared by Ellen cooper, dated 3-5-09, Topographic Survey Map, prepared by Cary Edmundson & Associates, dated November 5, 2008.

- I. This permit authorizes the demolition of an existing one-story single family dwelling and the construction of a two-story 800 square foot single family dwelling and attached garage. 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.
    1. Demolition must comply with all requirements of the Monterey Bay Unified Air Pollution Control District.
  - C. Obtain a Building Permit from the Santa Cruz County Building Official.
    1. 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.
  - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
  - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
    1. No landscaping shall be permitted to encroach into the right-of-way such that public parking is impacted.
  - F. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. 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. Erosion control plans must include fencing at the perimeter of the dripline of the plum tree, per the project arborist's recommendations.
  3. Plans shall include a note stating that the project arborist shall be onsite during the excavation necessary for the construction of the patio to ensure adequate protection of the tree.
  4. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure. Maximum height is 21 feet as shown on Exhibit A.
  5. Details showing compliance with fire department requirements.
- B. 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.
- C. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
- D. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- E. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
- F. Provide required off-street parking for two (2) 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.

- G. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Once plans have been approved by all agencies, provide a plan review letter from the soils engineer referencing the final revised drawings and stating that they conform to the provided recommendations.
- E. Provide a letter from the project arborist, which states that the necessary root pruning and other tree protection measures are in conformance with the arborist's recommendations.
- F. 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 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 three 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 #: 09-0124  
APN: 027-111-33  
Owner: John Groat

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

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

\_\_\_\_\_  
Robin Bolster-Grant  
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: 09-0124

Assessor Parcel Number: 027-111-33

Project Location: 821 Carmel Street

**Project Description: Demolition of existing single-family residence and construction of a new two-story single-family dwelling and attached garage.**

**Person or Agency Proposing Project: John Groat**

**Contact Phone Number: (408) 742-0789**

- 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: 15303. New Construction or Conversion of Small Structures

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

Replacement of an existing single-family dwelling

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

\_\_\_\_\_  
Robin Bolster-Grant, Project Planner

Date: \_\_\_\_\_