



Staff Report to the Zoning Administrator

Application Number: **08-0444**

Applicant: Matson Britton Architects
Owner: David & Robin Sequeira, Trustees
APN: 027-092-07

Agenda Date: December 4, 2009
Agenda Item #: 3
Time: After 10:00 a.m.

Project Description: Proposal to demolish a one-bedroom single-family dwelling and construct a two-story, two-bedroom, 1223 square foot single-family dwelling with an attached garage.

Location: The property is located on the west side of 5th Avenue about 130 feet north of Carmel Street (331 5th Ave.)

Supervisorial District: Third District (District Supervisor: Coonerty)

Permits Required: Coastal Development Permit, Residential Development Permit, and Variance.

Technical Reviews: Design Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0444, 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 determination) | |

Parcel Information

Parcel Size:	2,000 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential
Project Access:	5 th Avenue
Planning Area:	Live Oak
Land Use Designation:	R-UH (Urban High Density Residential)

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

Zone District: R-1-3.5 (Single family residential - 3,500 square feet minimum)
Coastal Zone: ☒ Inside ☐ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Soils report to be required with building permit
Fire Hazard: Not a mapped constraint
Slopes: 0-2%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Less than 100 cubic yards of grading
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Reviewed and accepted with conditions by DPW, Stormwater Management
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: City of Santa Cruz Water Department
Sewage Disposal: County of Santa Cruz Sanitation District
Fire District: Central Fire Protection District
Drainage District: Zone 5

History and Project Setting

The subject parcel is located within the Harbor Area Special Community and Coastal Zone on the west side of 5th Ave, about 150 feet north of Carmel Street. This is a neighborhood in transition, with many of the original single-story vacation cottages being reconstructed as two-story dwellings used throughout the year.

The subject parcel is currently developed with a 520 square foot dwelling. This dwelling was constructed before building permits were required. The structure is nonconforming to today's setback requirements for three of the four setbacks: the rear yard setback is 12 feet and the current standard is 15 feet, the front yard setback is about 12.8 feet and the standard is 15 feet, and the northern side yard is about 2.75 feet when it is required to be 5 feet.

Besides the installation of a gas line, the County has no record of any building or use permits for this property. The current proposal is to demolish the existing structure and construct a new two-story dwelling with an attached garage. The attached garage requires a variance to the rear yard setback. In all other respects, the project conforms to the site standards of the zone district.

To the south of the subject parcel is a double frontage parcel with a garage located closest to the subject parcel. To the north is a single-family dwelling owned by the subject parcel's property

owners. Across 5th Avenue from the subject parcel are single-family dwellings, and to the west, over the rear property line, is a large single-family dwelling occupying a parcel which is twice the size of the subject parcel.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 2000 square feet, located in the R-1-3.5 (Single family residential - 3,500 square feet minimum) 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-UH) Urban High Density Residential General Plan designation. Except for the requested rear yard variance, the project complies with the zone district setbacks and height, parking requirement, floor area ratio and lot coverage. The front yard setback of 10 feet was determined using front yard averaging (discussed below).

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. While the original dwellings in the area are typically one-story in height and smaller in overall size, the newer structures are typically larger and two-story. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The proposed dwelling uses a combination of board and batten siding and stucco to finish the structure; it is 1223 square feet in size and feet high. 27 foot nine inches high at its highest point. 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 design has changed substantially since the original submittal, primarily due to a change in architects that occurred in the later stages of processing this application. With a minor revision, which was the recommendation to use a window to break up the plane of the second story above the garage, the County's Urban Designer accepted the design shown in Exhibit A.

The proposed design is eclectic. It has craftsman details such as brackets, divided light windows and paneled doors but also has Spanish / Mission elements such as the curve above the garage door and detailing on the chimney. On the front elevation, the garage and the gabled second story above it, creates a strong vertical form, particularly given that both stories are finished in the same stucco material. The mass and bulk of the rest of the front elevation is broken up by utilizing a hipped roof, a second story setback, and the use of both stucco and board and batten on the first floor. Detailing such as brackets, an arch above the garage doors, paneled garage doors with small windows, and thick trim around the windows, creates a sense of quality craftsmanship.

Harbor Area Special Community

As noted above, the subject parcel is within the Harbor Area Special Community. County Code 13.20.144 specifies the following design criteria for the Harbor Area Special Community:

New development in the single-family (R-1) parts of the Harbor Area Special Community shall incorporate the characteristics of older dwellings in the area, e.g., the small scale, clean lines, pitched roofs, wood construction, and wood siding. Setbacks should conform to that predominant for other houses on the street.

This proposal will have clean lines, a pitched roof and half stucco and half board and batten siding. The project architect documents on sheet P4 of Exhibit A that the design provides slightly more than 50 percent wood siding. In this case, the "wood" siding is a man-made material that looks like wood, a material better suited--in terms of maintenance-- for the marine climate.

Variance

This proposal includes a request for a variance to reduce the 15-foot rear yard setback to 10 feet for the garage and second floor deck above the garage. The special circumstance applicable to the property is that the parcel is too shallow to accommodate a standard garage. Garages are valued for the benefits that they provide both to the property owner and the neighborhood. For the property owner, garages offer a secure place to store vehicles and household goods. In addition, if a door is provided into the dwelling, garages offer a convenience during inclement weather. For the neighborhood, garages provide aesthetic and practical benefits. A garage hides vehicles and other household goods such as bicycles and strollers, which decreases visual clutter and lowers the demand for on-street parking. Given these benefits, staff supports the inclusion of a garage in this project and also supports the variance based upon the following argument.

To accommodate a typical garage length of 20 feet, the 20-foot garage setback and 15-foot rear yard setback, the parcel would have to be 55 feet deep. In this case with a parcel depth of just 50 feet, a five-foot variance to the rear yard setback is required to allow for the garage. Although it would be possible to construct a conforming 15-foot deep garage, it would not accommodate modern vehicles. In addition, County Code 13.10.554 requires that parking spaces be a minimum of 18 feet deep. A 15-foot garage, then, would not meet this minimum and could not be counted towards fulfilling the project's parking requirement of three spaces.

An alternative to the rear yard setback would have been to request a five-foot variance to the 20-foot garage setback. This, however, would have resulted in a reduced line of sight for drivers exiting the garage and would have made it impossible to provide the 18-foot depth required on the driveway for one of the three required parking spaces. Given the location of the subject parcel in the Harbor Area, a popular tourist destination, and one of the stated purposes of the residential zone districts, which is to provide adequate space for off-street parking, a variance to the project's parking requirement could not be supported. Additionally, any reduction in on-site parking would impact public access to the beach or harbor and would, therefore, contravene the Coastal Commission's mandate to protect shoreline public access.

In addition, the encroachment into the rear yard setback is considered reasonable and in harmony

with the intent of the County's zoning objectives as the garage is non-habitable space so it will not generate the intensity of use that habitable space such as a family room might. Therefore, its impact upon neighboring properties is anticipated to be minimal. The impact to light, air and solar access to adjacent properties will be minimal as well as the variance is for the first floor only; the second floor meets the 15-foot rear yard setback. A condition of approval is included to require the property owners to record a declaration of restriction acknowledging that the garage is non-habitable space. In addition, an operational condition of approval is included requiring that the three required parking spaces remain unobstructed.

Regarding the deck above the garage, County Code 13.10.323(e)(1) allows cantilevered decks to encroach into rear yard setbacks up to six feet. In this case, the deck encroaches into the rear yard setback six feet but, instead of being cantilevered, is supported by the garage below. The proposed deck would not have any greater impact on surrounding properties than would a cantilevered deck in the same location and meets the intent of County Code 13.10.323(e)(1).

Garages are typically included in new development in the Harbor Area and, therefore, approving the proposed rear yard variance would not be a grant of special privilege. Examples of construction in the immediate area which included a garage can be found at: 360 and 380 5th Avenue; 20, 30, 41, 120, 130, 161, 230, 161, 230, 235, 295, 310 and 350 6th Avenue; 301, 341, 340, 350, 360, and 370 Alta Loma; and 400 and 410 Lago Lane. Any similarly shallow parcel could be granted a variance to include a garage.

Finally, except for the rear yard setback, the proposed structure will be a significant improvement over the existing nonconforming structure which, if built today, would require the approval of three setback variances.

Front Yard Averaging

County Code 13.10.323(e)(7) allows for front yard averaging. For parcels located between sites improved with buildings, the minimum front yard for the first floor of structures other than garages or carports may be the average depth of the front yards on the improved sites adjoining the side lines of the site, but in no case may the front yard be less than 10 feet. In this case, the applicant is proposing the minimum 10-foot setback, instead of the 15-foot standard front yard setback, and has provided survey information documenting the setbacks of the adjacent parcels' buildings. The structure to the north is 8.9 feet from the front property line and the garage to south is 7.7 feet from the front property line (see survey by Cary Edmundson in Exhibit A). Since the average of these is less than 10 feet, the 10-foot minimum is the standard, as is proposed.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0444**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

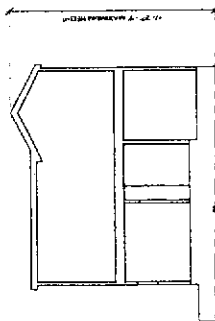
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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SEQUEIRA RESIDENCE

NEW RESIDENCE

331 FIFTH AVENUE SANTA CRUZ, CA 95062



SECTION THRU HIGHEST POINT
SCALE 1/8" = 1'-0"

A.P.N. MAP

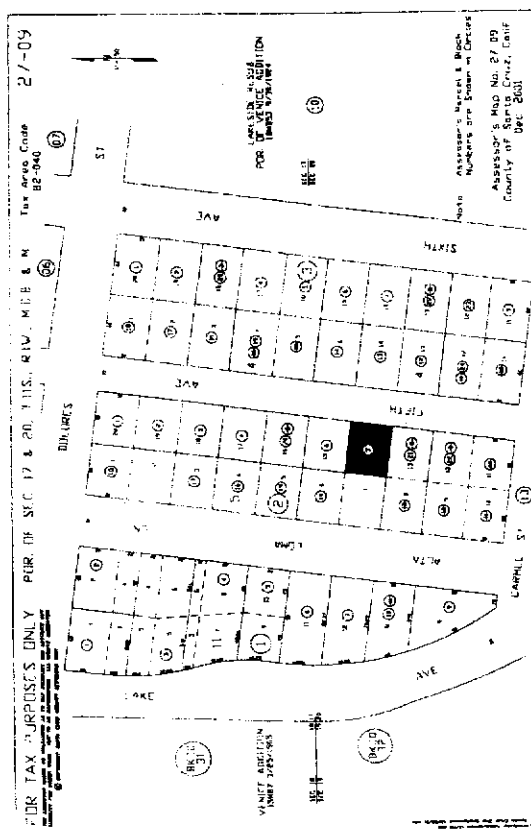


EXHIBIT A

PROJECT SUMMARY

OWNER:
DAVE & ROBIN SEQUEIRA
2474 WEST 133RD AVE
SAN LEANDRO, CA 94577

A.P.N.:
027 - 072 - 07

ZONING:
R-1.5

OCCUPANCY GROUP:
R-3 & U (PER 2007 C.B.C.)

CONSTRUCTION TYPE:
V8 FULLY-SPRINKLERED

PROJECT DESCRIPTION:
THIS PROJECT CONSISTS OF A NEW TWO STORY SINGLE-FAMILY DWELLING WITH TWO BEDROOMS, 2 BATHS AND ATTACHED ONE CAR GARAGE. THE EXISTING RESIDENCE IS TO BE DEMOLISHED.

CODE COMPLIANCE:
THIS RESIDENTIAL CONSTRUCTION COMPLIES WITH TITLE 24, AND THE FOLLOWING CODES: 2001 CBC, 1997 UMC, 1997 UPC, AND 1997 NEC.

LOT SIZE: 2,000 S.F. (0.05 ACRES)

GROSS FLOOR AREAS:

PROPOSED FIRST FLOOR: 470 SQ. FT.
PROPOSED SECOND FLOOR: 525 SQ. FT.
TOTAL FLOOR AREA: 995 SQ. FT.
LESS COUNTY GARAGE CREDIT: 225 SQ. FT.
ADJUSTED TOTAL FLOOR AREA: 770 SQ. FT.

LOT COVERAGE:

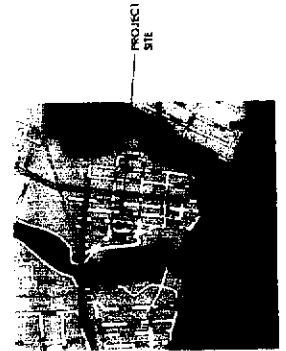
BUILDING COVERAGE: 698 SQ. FT.
COVERED AREA @ EAST ELEV: 60 SQ. FT.
COVERED AREA @ WEST ELEV: 0 SQ. FT.
ADJUSTED TOTAL LOT COVERAGE: 698 SQ. FT.
F.A.R.: 998 S.F. / 2000 S.F. = 49.9%
LOT COVERAGE: 698 S.F. / 2000 S.F. = 34.9%

SHEET INDEX

ARCHITECTURAL DRAWINGS

- P1 TITLE SHEET
- P2 SITE PLAN
- P3 FLOOR PLANS
- P4 EXTERIOR ELEVATIONS
- SURVEY
- SU1 TOPOGRAPHIC SURVEY

VICINITY MAP



CONSULTANTS

ARCHITECTS:
MATSON BRITTON ARCHITECTS
728 N. BRANCHPORT
SANTA CRUZ, CA 95061
831-423-5544 / 831-423-4795

SURVEYOR:
CARY EDMONDSON & ASSOCIATES
LAND SURVEYING
1512 SEABRIGHT AVENUE, SUITE A
SANTA CRUZ, CA 95062
831-423-1744

FIRE NOTES

1. THESE PLANS SHALL COMPLY WITH CALIFORNIA BUILDING AND FIRE CODES (2007), AND DISTRICT AMENDMENTS.
2. OCCUPANCY R-3, TYPE V-N, SPINKLERED.
3. DESIGNER/INSTALLER SHALL SUBMIT THREE SETS OF PLANS AND CALCULATIONS FOR THE UNDERGROUND AND COVERHEAD RESIDENTIAL AUTOMATIC FIRE PROTECTION SYSTEM TO THE FIRE PROTECTION DISTRICT OF SANTA CRUZ COUNTY. PLANS SHALL COMPLY WITH THE UNDERGROUND FIRE PROTECTION SYSTEM INSTALLATION POLICY HANDOUT, FOR THE CENTRAL FIRE DEPARTMENT.
4. ADDRESS NUMBERS SHALL BE POSTED AND MAINTAINED AS SHOWN ON THE SITE PLAN. NUMBERS SHALL BE A MINIMUM OF 4 INCHES IN HEIGHT AND OF A SITE PLAN NUMBERS SHALL BE A MINIMUM OF 4 INCHES IN HEIGHT AND OF A COLOR CONTRASTING TO THEIR BACKGROUND.
5. ROOF COVERING SHALL BE NO LESS THAN CLASS "B" RATED.
6. THE JOB COPIES OF THE BUILDING AND FIRE SYSTEMS PLANS AND PERMITS MUST REMAIN ON-SITE DURING INSPECTIONS.
7. BUILDING TO BE PROTECTED BY AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM COMPLYING WITH CURRENTLY ADOPTED EDITION OF NFPA 13D & ADOPTED STANDARDS OF CENTRAL FIRE DEPARTMENT.
8. PUBLIC FIRE HYDRANT REQUIRED WITHIN 250 FT. OF ANY PORTION OF THE BUILDING WITH A MINIMUM 1000 GALLON FIRE FLOW.
9. THIRTY (30) FOOT CLEARANCE TO BE MAINTAINED WITH NON-COMBUSTIBLE VEGETATION AROUND ALL STRUCTURES OR TO THE PROPERTY LINE, WHICHEVER IS SHORTER DISTANCE.

SEQUEIRA RESIDENCE
331 FIFTH AVENUE
SANTA CRUZ, CA 95062
A.P.N.: 027 - 072 - 07

TITLE SHEET

P1

SIZE PLAN NOTES

- EXISTING TOPOGRAPHY, SITE FEATURES, & PROPERTY LINE BOUNDARY INFORMATION IS BASED ON SURVEY MAP COMPLETED BY CARP, DUNHAMSON & ASSOCIATES LAND SURVEYING. SEE SURVEY ON SHEET 1.
- EXISTING INTERVIOUS AREA IS BEING INCREASED TO LESS THAN 500 SQ. FT.
- REFER TO RECOMMENDATIONS IN SOILS REPORT FOR ADDITIONAL INFORMATION.

GRADING NOTES

1. UNNECESSARY GRADING AND DISTURBING OF SOIL SHALL BE AVOIDED.
2. ANY EXCESS MATERIAL SHALL BE DISPOSED OF OFF SITE STOCKPILED IN A MANNER TO AVOID HARM TO ANY ADJOINING PROPERTIES.
3. ANY MATERIAL STOCKPILED DURING CONSTRUCTION SHALL BE COVERED WITH PLASTIC.
4. REFER TO RECOMMENDATIONS IN SOILS REPORT FOR ADDITIONAL INFORMATION.

DRAINAGE NOTES

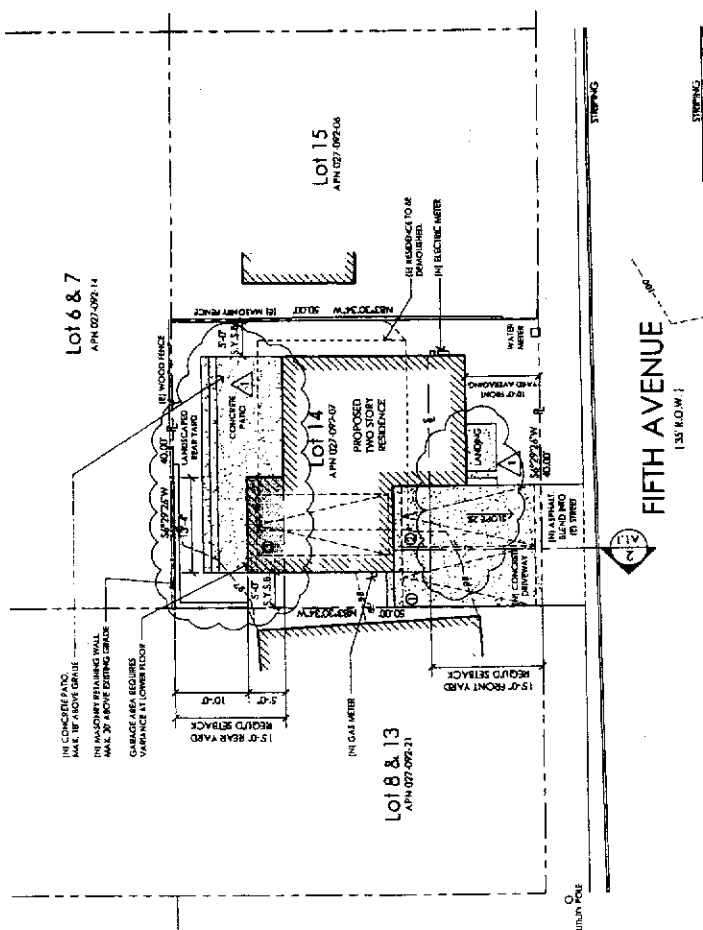
1. FULL ROOF GUTTERS SHALL BE PLACED AROUND ALL EAVES. DOWNSPOUTS TO GO TO SPASH-BLOCKS.
2. ARCHITECT TO FIELD VERIFY LOCATIONS OF DOWNSPOUTS.
3. PROJECT TO MAINTAIN EXISTING DRAINAGE PATTERNS.

EROSION CONTROL NOTES

- [illegible]

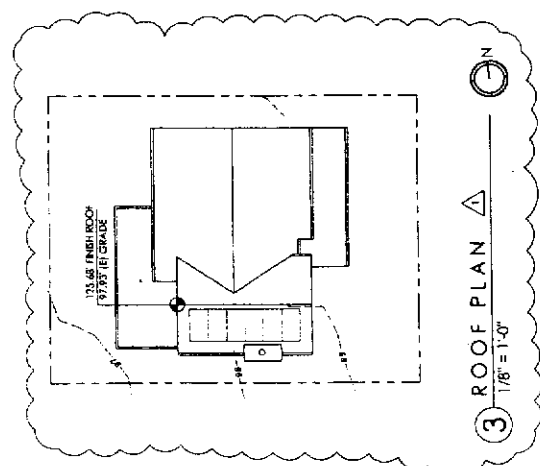
SITE LEGEND

- PROPERTY LINE
SETBACK LINE
(E) RESIDENCE TO BE DEMOLISHED
(E) FENCE
LINE OF SECOND FLOOR
AND DECKS ABOVE
(N) RESIDENCE
(N) CONCRETE DRIVEWAY
& LANDINGS

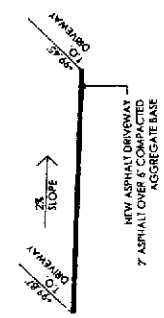


1 SITE PLAN
1/8" = 1'-0"

ROOF PLAN Δ



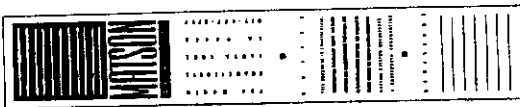
DRIVEWAY SECTION



23

FLOOR PLANS

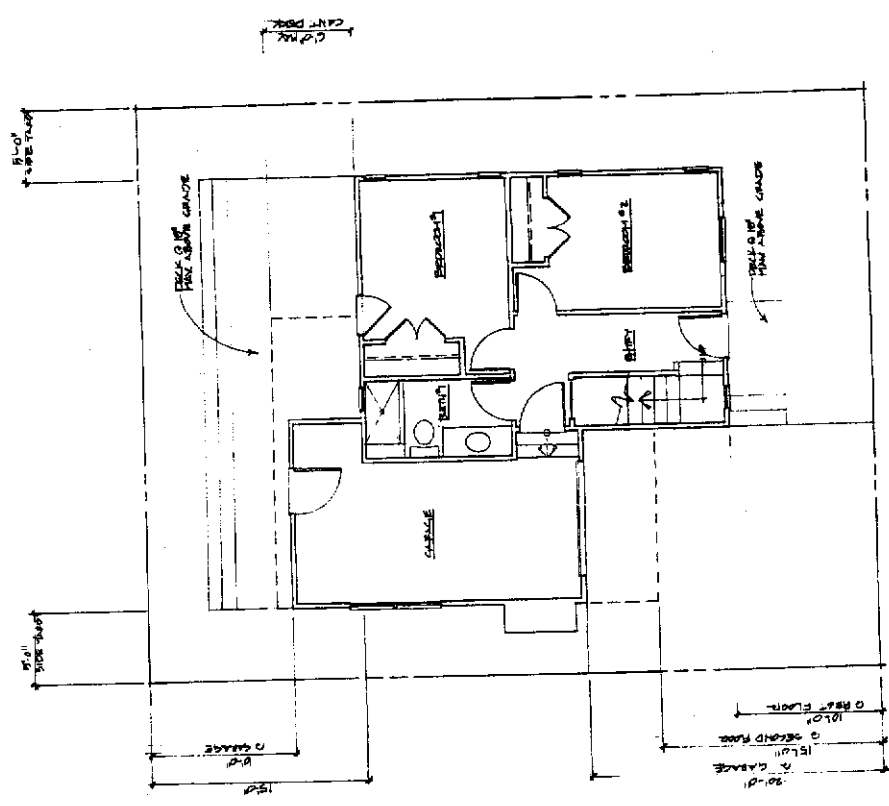
SEQUERA RESIDENCE
231 19TH AVENUE
SANTA CRUZ, CA 95060
A.P.N. 007-007-07



1

2

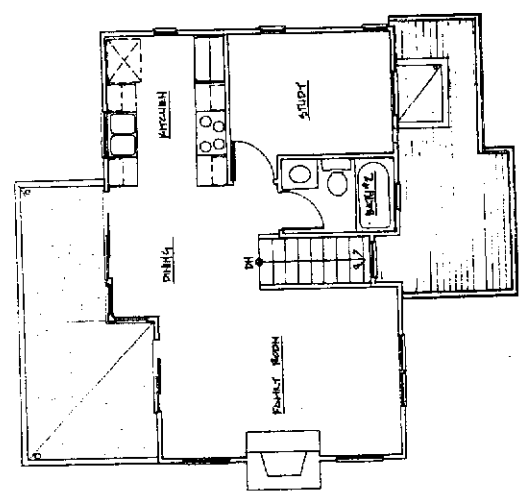
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

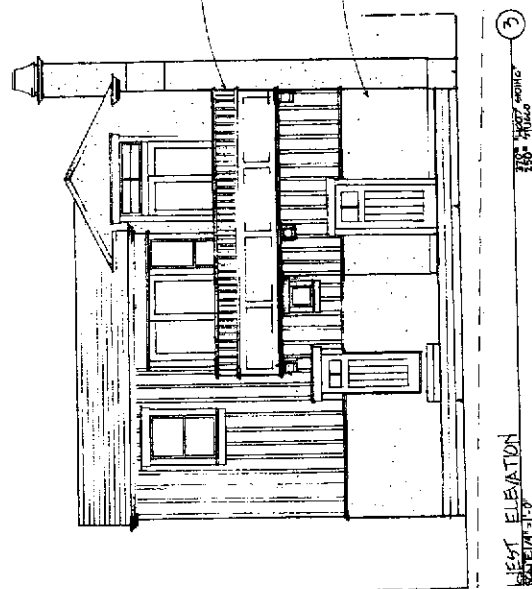
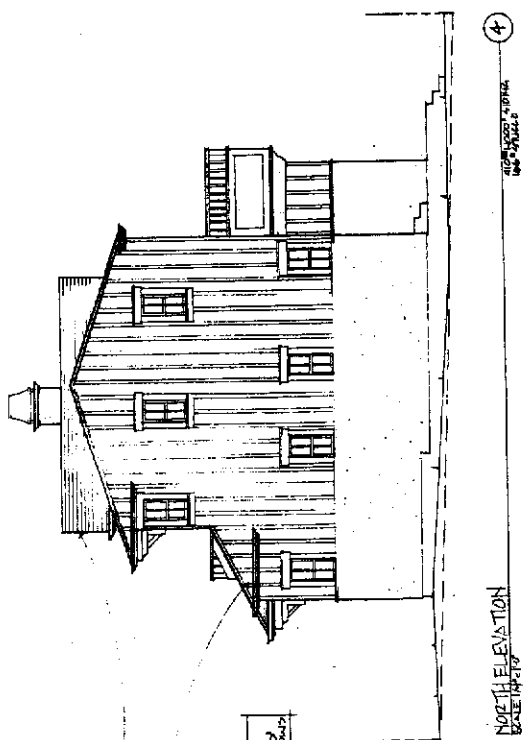


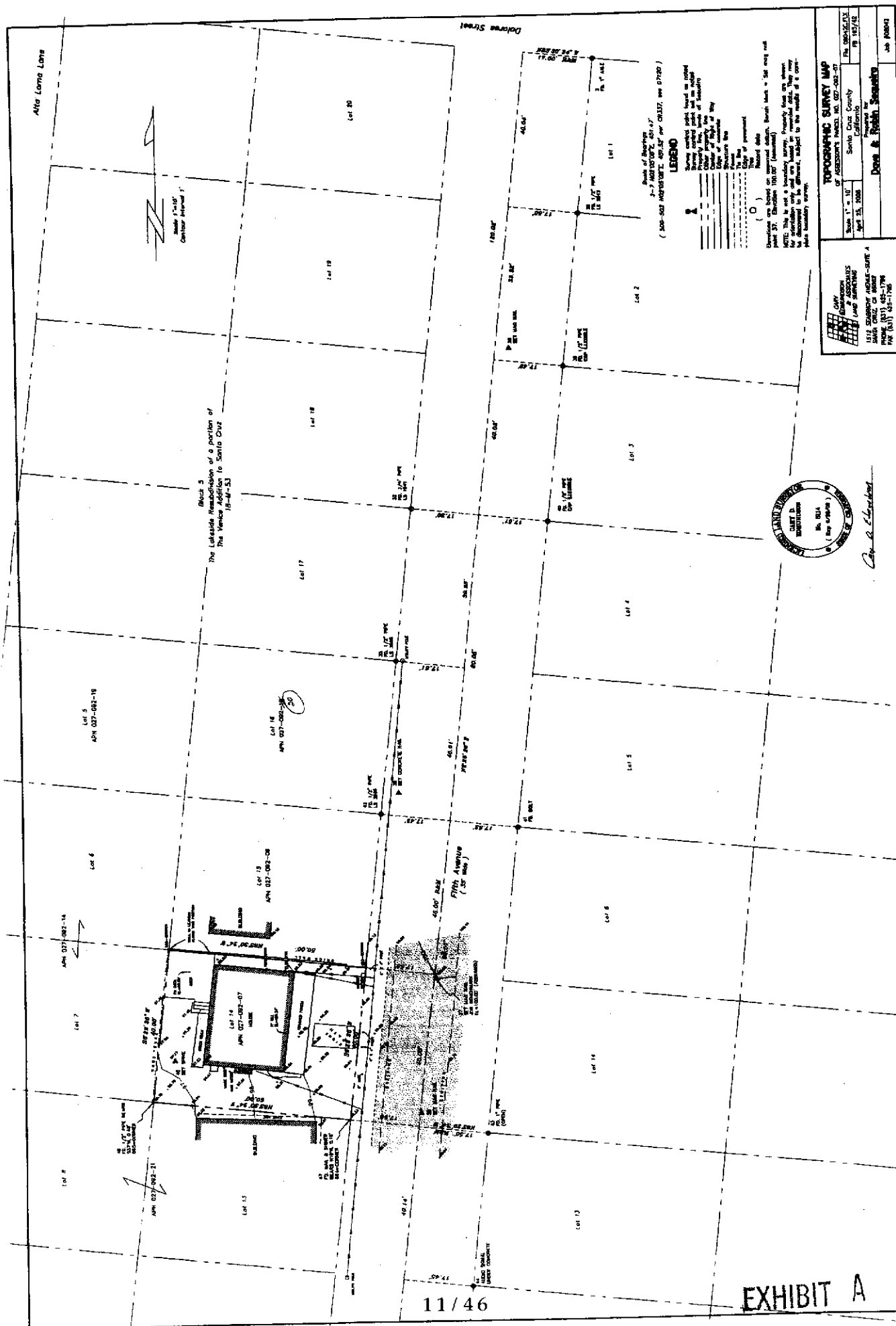
1

2

SECOND FLOOR
SCALE 1/8" = 1'-0"







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 parcel is too shallow to accommodate a standard garage. To accommodate a typical garage length of 20 feet, the 20-foot garage setback and 15-foot rear yard setback, the parcel would have to be 55 feet deep. In this case with a parcel depth of just 50 feet, a five-foot variance to the rear yard setback is required to allow for the garage. Although it would be possible to construct a conforming 15-foot deep garage, it would not accommodate modern vehicles. In addition, County Code 13.10.554 requires that parking spaces be a minimum of 18 feet deep. A 15-foot garage, then, would not meet this minimum and could not be counted towards fulfilling the project's parking requirement of three spaces.

Another alternative to the rear yard setback would have been to request a five-foot variance to the 20-foot garage setback. This, however, would have resulted in a reduced line of sight for drivers exiting the garage and would have made it impossible to provide the 18-foot depth required on the driveway for one of the three required parking spaces. Given the location of the subject parcel in the Harbor Area, a popular tourist destination, and one of the stated purposes of the residential zone districts, which is to provide adequate space for off-street parking, a variance to the project's parking requirement could not be supported. Additionally, any reduction in on-site parking would impact public access to the beach or harbor and would, therefore, contravene the Coastal Commission's mandate to protect shoreline public access.

In addition, most replacement homes in the vicinity include a garage. Examples of construction in the immediate area which included a garage can be found at: 360 and 380 5th Avenue; 20, 30, 41, 120, 130, 161, 230, 161, 230, 235, 295, 310 and 350 6th Avenue; 301, 341, 340, 350, 360, and 370 Alta Loma; and 400 and 410 Lago Lane. Not granting the proposed rear yard variance, then, would deprive the subject property of 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 County Code 13.10.321 states one purpose of the residential districts as being: "To ensure adequate light, air, privacy, solar access and open space for each dwelling unit." In this case, the five-foot variance to the rear yard setback is not anticipated to have a significant impact on light, air and solar access as the variance is for the first floor only, which is about 12 feet in height. Because the garage is non-habitable space, and not, for example, a family room or bedroom, it is not anticipated to have a significant impact on the privacy of adjacent properties.

In terms of open space, even with the deduction of the 65 square feet of the garage which

occupies the rear yard, the property will still have over 500 square feet of usable and private open space. The only reference to a minimum size for open space in the County Code is for multi-family projects. Although not directly relevant since this is a single-family project, the 200 square foot minimum required in that code section (13.10.323(e)(6)(f)) for private use provides a starting point for evaluating a reasonably sized open space. The proposed backyard, then, far exceeds the 200 square foot standard. Therefore, adequate open space is provided in this proposal.

The second relevant purpose is "To provide adequate space for off-street parking." The proposed garage, which is facilitated by the five-foot variance to the rear yard setback, clearly meets this purpose. And while off-street parking could be provided without requiring a garage, the garage provides aesthetic benefits to the neighborhood by hiding a vehicle and other household goods and convenience to the property owner.

In terms of the deck above the garage, County Code 13.10.323(e)(1) allows cantilevered decks to encroach into rear yard setbacks up to six feet. In this case, the deck encroaches into the rear yard setback six feet but, instead of being cantilevered, is supported by the garage below. The proposed deck would not have any greater impact on surrounding properties than would a cantilevered deck in the same location and meets the intent of County Code 13.10.323(e)(1).

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 garages are typically included in new development in the Harbor Area and, therefore, approving the proposed rear yard variance would not be a grant of special privilege. Examples of construction in the immediate area which included a garage can be found at: 360 and 380 5th Avenue; 20, 30, 41, 120, 130, 161, 230, 161, 230, 235, 295, 310 and 350 6th Avenue; 301, 341, 340, 350, 360, and 370 Alta Loma; and 400 and 410 Lago Lane. Any similarly dimensioned parcel could be granted a variance to include a garage.

Finally, except for the rear yard setback, the proposed structure will be a significant improvement over the existing nonconforming structure which, if built today, would require the approval of three setback variances.

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 feet minimum), 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-UH) Urban High Density 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.

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

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

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

This finding can be made, in that the structure is 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 feet minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. 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, except for the proposed five-foot variance to the rear yard setback for the one-story garage, the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood. Because the variance is for the first floor, it is not anticipated to significantly affect neighbor's access to light, air and open space.

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-3.5 (Single family residential - 3,500 square feet minimum) zone district in that the primary use of the property will be one single-family dwelling that meets all current site standards for the zone district, except for the requested rear setback variance.

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

The proposed single-family dwelling will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and, except for the rear yard variance, meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks, except for the rear yard variance, for the zone district that ensure access to light, air, and open space in the neighborhood. The requested variance to the rear yard setback is for a one-story garage with a porch above. Because the garage is one-story in height, it is not anticipated to have a significant effect on neighbors' access to light and air.

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 the site standards for the R-1-3.5 zone district (except for the rear yard variance) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 lot. The expected level of traffic generated by the proposed project is anticipated to remain at only one peak trip per day. This level of traffic does not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed 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.

Conditions of Approval

Exhibit A: 4 sheets, architectural drawings, by Matson Briton Architects: P1 and P2 dated 9/11/09 and revised to 10/13/09; P3 and P4 undated.
1 sheet, survey, by Cary Edmundson dated 6/9/09.

- I. This permit authorizes the construction of a single-family dwelling and an attached garage with a second story deck above. 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.
 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.
 - 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. If specific materials and colors have not

been approved with this Discretionary Application, in addition to showing the materials and colors on the elevation, the applicant shall supply a color and material board in 8 1/2" x 11" format for Planning Department review and approval

2. Grading, drainage, and erosion control plans. The grading plans shall show existing and proposed contours, heights of retaining walls, limits of grading, erosion control measures. Please call 454-3162 for more information.
 3. 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. The maximum allowed height is 28 feet.
 4. 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. The Department of Public Works, Stormwater Management requires the following:
1. Show on the plans the existing drainage pattern and any changes as a result of this project.
 2. Does this site currently receive any runoff from the adjacent/upslope property? If so, how will the project continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties?
 3. Show on the plans the proposed locations of the downspouts.
 4. Since this project was deemed 'complete' on 10/24/08, project plans dated 9/11/09 were submitted showing a large concrete patio in the rear yard. This patio shall be constructed of pervious materials unless the project's geotechnical engineer requires only an impervious material be used, or if other technical considerations preclude the use of pervious materials. If technical considerations preclude the use of pervious materials for the patio, then the driveway shall be constructed of a pervious material.

Submit a cross section construction detail of the proposed pervious material and maintenance recommendations with the building material for the pervious material.

- D. Obtain an Environmental Health Clearance for this project from the County Department of Environmental Health Services.
- E. Meet all requirements of the Department of Public Works, Driveway/Encroachment, including:
 - 1. The driveway shall conform to County Design Criteria Standards. The cut to existing roadway pavement shall be cut to produce a straight vertical face against which to butt the replaced driveway. Due to the condition of the road (cracks) the vertical face may be required to extend into the road way. Paving within the roadway shall be 3" asphalt Type B pavement over 9" AB Class. No concrete is allowed in the County right-of-way.
 - 2. The correct driveway detail is DW-5 (Driveway with valley gutter). Please ensure that the building permit plans reflect the correct driveway detail and provide the correct plan view.
 - 3. This area is designated as "Permit Parking"; therefore, no landscaping, fencing, "no parking" signs, etc. are allowed within the County right-of-way along the frontage of this parcel.
 - 4. If any trenching into the County right-of-way is necessary as a part of this project, a trench repair fee will be charged in addition to the encroachment permit fee. If you have questions, call Debra Locatelli 454-2372.
- F. Meet all requirements of the Department of Public Works, Road Engineering, including:
 - 1. The driveway must meet the County of Santa Cruz Design Criteria standards.
- G. Meet all requirements of the Department of Public Works, Sanitation, including:
 - 1. 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. The existing lateral(s) must be properly abandoned (including inspection by the District) prior to the issuance of a demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.
 - 3. Show all existing and proposed plumbing fixtures on floor plans of

building application.

- H. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
 - I. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.
 - J. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
 - K. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Currently, these fees are, respectively, \$913 and \$913.
 - 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. Complete and record a Declaration of Restriction to construct and maintain a non-habitable garage. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. Construction Hours: During construction, workers may assemble on-site as early as 7:30 AM, but no noise-generating activities may begin earlier than 8:00 AM. Noise-generating activities must cease by 6 PM. Workdays are limited to Monday through Friday. Should a circumstance arise in which a delivery can only be made on a weekend day, call Planning Staff for approval at least 24 hours in advance of the delivery
 - B. All site improvements shown on the final approved Building Permit plans shall be installed.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - D. The project must comply with all recommendations of the approved soils reports.
 - 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. The primary use of the garage shall be to provide one of the three required parking spaces. The garage must remain sufficiently free and clear of obstruction such that a vehicle may be parked within it.

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

Application #: 08-0444
APN: 027-092-07
Owner: David & Robin Sequeira, Trustees

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 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.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Don Bussey
Deputy Zoning Administrator

Annette Olson
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: 08-0444

Assessor Parcel Number: 027-092-07

Project Location: 331 5th Avenue, Santa Cruz

Project Description: Proposal to demolish the existing structure and construct a single-family dwelling.

Person or Agency Proposing Project: William Kempf

Contact Phone Number: (831) 459-0951

- 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:

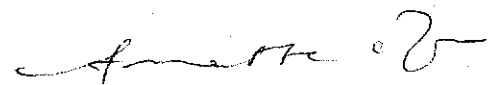
E. ☒ **Categorical Exemption**

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

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

New single family dwelling in a developed area zoned for single-family residences.

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


Annette Olson, Project Planner

Date: 11/3/09

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 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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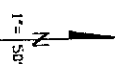
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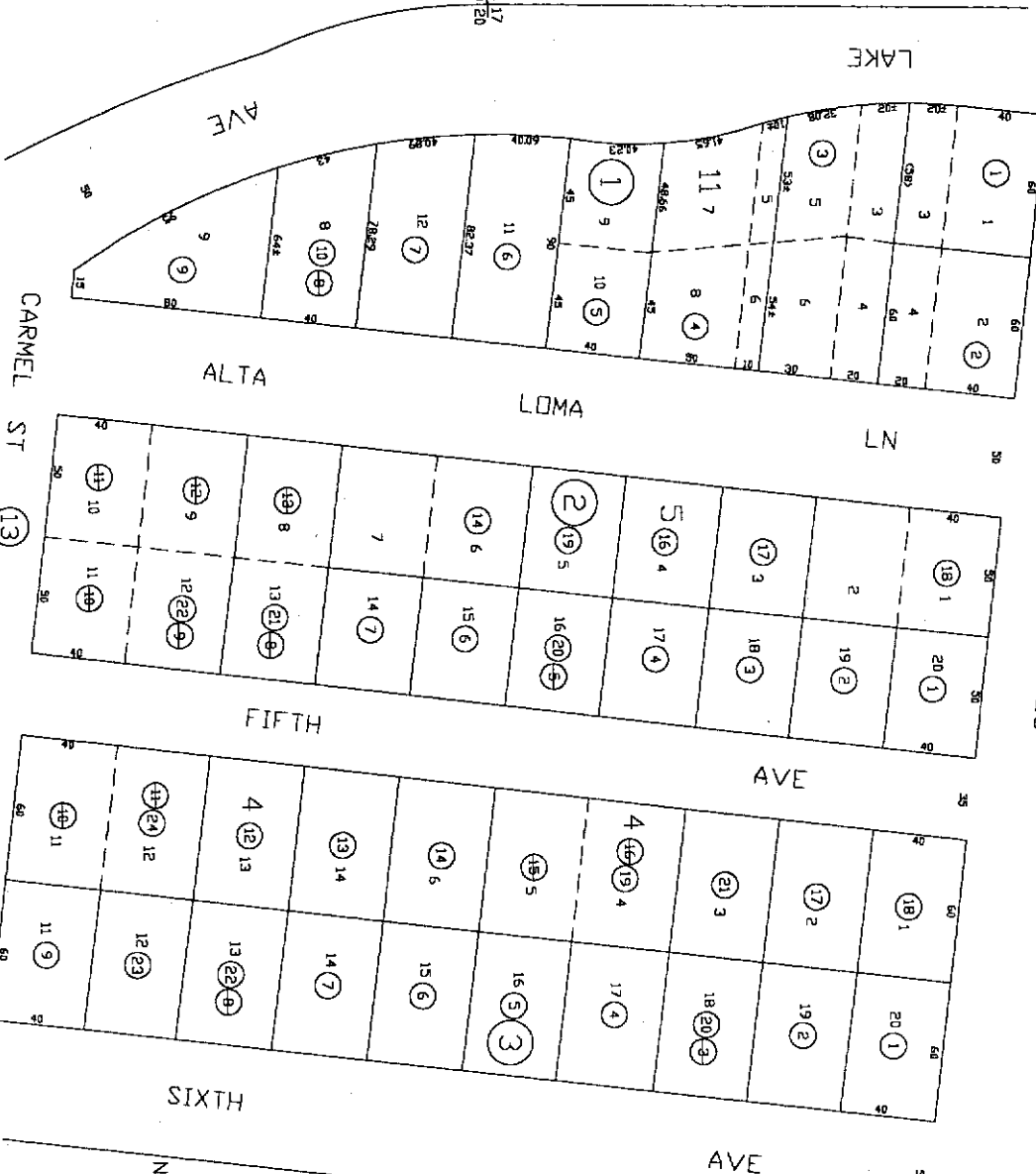


BK.10
 31

VENICE ADDITION
 15MB7 3/23/1905

SEC. 18
 18.17
 SEC. 19
 19.20

BK.10
 32



LAKESIDE RESUB.
 POR. OF VENICE ADDITION
 18MB53 9/30/1924

SEC. 17
 SEC. 20

10

Note - Assessor's Parcel & Block
 Numbers are Shown in Circles.
 Assessor's Map No. 27-09
 County of Santa Cruz, Calif.
 Dec. 2001



General Plan Designation Map



LEGEND



APN: 027-092-07



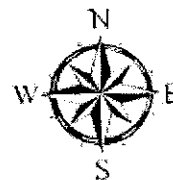
Assessors Parcels



Streets



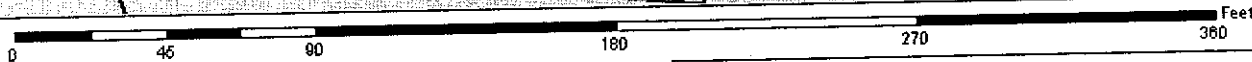
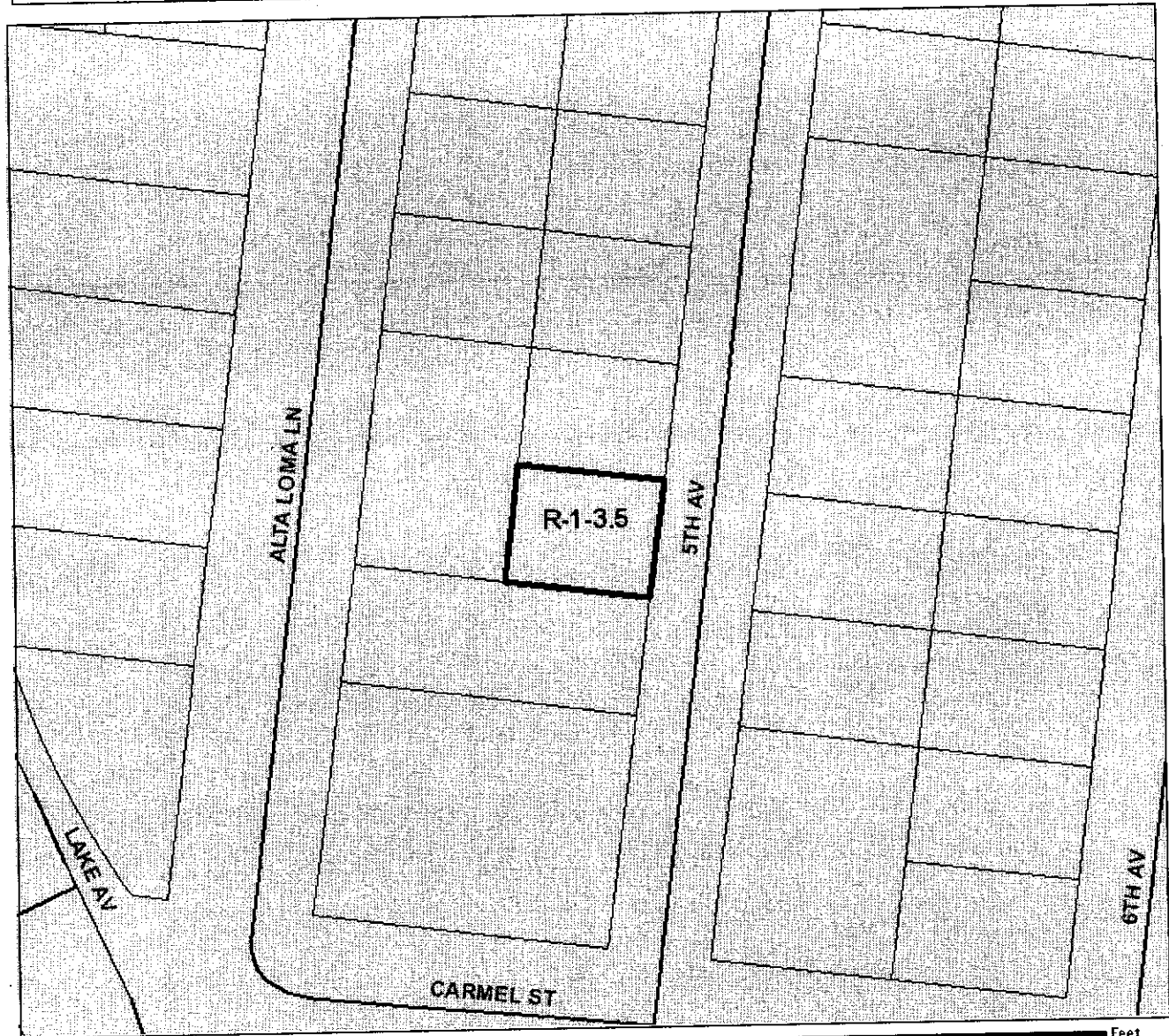
Residential - Urban High Density







Map Created by
County of Santa Cruz
Planning Department
October 2008

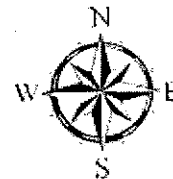


Zoning Map



LEGEND

-  APN: 027-092-07
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY



Map Created by
County of Santa Cruz
Planning Department
October 2008

INTEROFFICE MEMO**APPLICATION NO: 08-044 (revised)**

Date: October 14, 2009

To: Annette Olson, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New residence on Fifth Avenue, Santa Cruz

COMPLETENESS ITEMS

▪ none

COMPLIANCE ISSUES**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
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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.

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

July 16, 2009

SENT BY FAX

To Dave Sequeira:

This letter is a follow-up to our telephone call of July 7, 2009 during which you asked for a written summary of our conversation. You asked me if detached garages could be considered when calculating the setback of existing structures for the purposes of front yard averaging. I replied that the ordinance language concerning front yard averaging—Section 13.10.323(e)(7)—refers to “buildings” rather than houses or habitable structures and, therefore, it is my opinion that garages can be considered.

I told you that I would relay our conversation to Annette Olson, your project planner. I spoke to Annette on July 8th.

Sincerely,

Glenda Hill, AICP
Principal Planner

cc: Annette Olson ✓

C O U N T Y O F S A N T A C R U Z
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Annette Olson
Application No.: 08-0444
APN: 027-092-07

Date: November 3, 2009
Time: 09:06:07
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON OCTOBER 31, 2008 BY JESSICA L DEGRASSI =====
See misc comments for conditions of approval

Environmental Planning Miscellaneous Comments

===== REVIEW ON OCTOBER 31, 2008 BY JESSICA L DEGRASSI =====
Please submit a soils report completed by a licensed soil engineer with the building permit application.

Please submit grading plans with the building application. These plans shall show existing and proposed contours, heights of retaining walls, limits of grading, erosion control measures etc. Please contact 454-3162 for more information.

Dpw Drainage Completeness Comments

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

===== REVIEW ON OCTOBER 24, 2008 BY TRAVIS RIEBER =====
The plans dated 10/3/2208 have been received and are approved for the discretionary application stage. See miscellaneous comments for issues to be addressed at the building application stage.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON OCTOBER 24, 2008 BY TRAVIS RIEBER =====
1. Show on the plans the existing drainage pattern and any changes as a result of this project.

2. Does this site currently receive any runoff from adjacent/upslope property? If so, how will the project continue to accept this runoff without causing adverse impacts to the proposed structure or adjacent/downstream properties.

3. Show on the plans the proposed locations of the downspouts.

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 Driveway/Encroachment Completeness Comments

===== REVIEW ON OCTOBER 24, 2008 BY DEBBIE F LOCATELLI =====
Please check "scale" for plans, it appears to be incorrect. ===== UPDATED ON
JULY 10, 2009 BY DEBBIE F LOCATELLI =====

Discretionary Comments - Continued

Project Planner: Annette Olson
Application No.: 08-0444
APN: 027-092-07

Date: November 3, 2009
Time: 09:06:07
Page: 2

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON OCTOBER 24, 2008 BY DEBBIE F LOCATELLI =====

Driveway to conform to County Design Criteria Standards. Also, the cut to existing roadway pavement shall be cut to produce a straight vertical face against which to butt the replaced driveway. Due to the condition of the road (crackles) the vertical face, in which to butt the replaced driveway, may be required to extend into the road way. Therefore, paving within the roadway shall be 3" asphalt Type B pavement over 9" AB Class.

No concrete allowed in county right-of-way.

If proposed work requires trench work within the county right-of-way an Encroachment Permit shall be required at the time of building application submittal.

Please condition discretionary permit: This area is designated "Permit Parking"; therefore, no landscaping, fencing, "no parking signs", etc. allowed within the county right-of-way (along the frontage of this parcel).

===== UPDATED ON JULY 10, 2009 BY DEBBIE F LOCATELLI =====

7/10/09: The current driveway details are incorrect. Driveway detail FIG DW-2 is for a driveway with an Asphalt Dike, this road does not have any AC dikes; the correct Detail is DW-5 - Driveway with Valley Gutter. Please note in previous comments for the requirement for a cut into pavement; blending asphalt into county road is not permitted.

Also, 5th Avenue is proposed for an overlay in September, 2009. Please ask applicant to check with Sanitation and City of Santa Cruz Water Department to stub out for required utilities; therefore avoiding cutting into a newly paved road. The County has a three year moratorium for newly paved roads. If we allow a cut within those 3 years, the owner may be responsible to pave the entire frontage of their parcel, depending on where the proposed trenches are located. A trench repair fee will be charged in addition to the Encroachment Permit fee. For additional information please contact Debra Locatelli, Encroachment Inspector, at 454-2372. Thank you (Please note this requirement in the discretionary permit)

Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 24, 2008 BY ANWARBEG MIRZA =====

1. Show dimensions of required parking. The parking configuration shown is not acceptable as it occupies right of way. An applicant must pursue an alternative design to provide safe ingress/egress onto the road.

2. Show the edge of pavement of the driveway and its connection with the 5TH Ave. The portion of the driveway within the right-of-way shall be paved with 2 inches of asphalt concrete over 6 inches of aggregate base. Please reference the correct figure in the design criteria and show in plan view.

3. The county standard for a concrete driveway is 4 inches of concrete over four inches of sand. Please show this on the plans.

4. Permit parking shall not be eliminated in the frontage.

Discretionary Comments - Continued

Project Planner: Annette Olson
Application No.: 08-0444
APN: 027-092-07

Date: November 3, 2009
Time: 09:06:07
Page: 3

Note: Scale is 1/8 inch not inches per foot. Please show correct scale on plans.

Design Criteria is available at the following internet address:

<http://www.dpw.co.santa-cruz.ca.us/DESIGN%20CRITERIA.PDF> ===== UPDATED ON APRIL 2, 2009 BY ANWARBEG MIRZA =====

Previous comments have not been addressed completely. See the following for ref: 1. The parking configuration shown is not acceptable as it occupies right of way. An applicant must pursue an alternative design to provide safe ingress/egress onto the road. (Comment# 1 is partly addressed)

2. Show the edge of pavement of the driveway and its connection with the 5TH Ave. The portion of the driveway within the right-of-way shall be paved with 2 inches of asphalt concrete over 6 inches of aggregate base. Please reference the correct figure in the design criteria and show in plan view.

3. The county standard for a concrete driveway is 4 inches of concrete over four inches of sand. Please show this on the plans.

4. Permit parking shall not be eliminated in the frontage.

Design Criteria is available at the following internet address:

<http://www.dpw.co.santa-cruz.ca.us/DESIGN%20CRITERIA.PDF>

(Also refer Encroachment comments for more info) ===== UPDATED ON JULY 15, 2009 BY ANWARBEG MIRZA =====
Completed Disc.

See misc. comments to be addressed at building application stage:

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 24, 2008 BY ANWARBEG MIRZA =====

NO COMMENT

===== UPDATED ON APRIL 2, 2009 BY ANWARBEG MIRZA =====

NO COMMENT

===== UPDATED ON JULY 15, 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. (Fig DW-5 ??)

2. Comply with encroachment requirements.

Design Criteria is available at the following internet address:

<http://www.dpw.co.santa-cruz.ca.us/DESIGN%20CRITERIA.PDF>

Dpw Sanitation Completeness Comments

===== REVIEW ON OCTOBER 23, 2008 BY CARMEN M LOCATELLI =====

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

Discretionary Comments - Continued

Project Planner: Annette Olson
Application No.: 08-0444
APN: 027-092-07

Date: November 3, 2009
Time: 09:06:07
Page: 4

===== REVIEW ON OCTOBER 23, 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

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.



CENTRAL
FIRE PROTECTION DISTRICT
of Santa Cruz County
Fire Prevention Division

930 17th Avenue, Santa Cruz, CA 95062
phone (831) 479-6843 fax (831) 479-6847

Date: October 21, 2008
To: David and Robin Sequeira
Applicant: same
From: Tom Wiley
Subject: 08-0444
Address: 331 5th Ave.
APN: 027-092-07
OCC: 2709207
Permit: 20080271

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for **Application for Building Permit**:

We have reviewed plans for the above subject project. District requirements appear to have been met.

Please ensure designer/architect reflects equivalent notes and requirements on velums as appropriate when submitting for **Application for Building Permit**.

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2007) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and SPRINKLERED as determined by the building official and outlined in the 2007 California Building Code (e.g., R-3, Type V-B, Sprinklered).

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to construction (CFC 508.5).

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

NOTE on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½ inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County. 2709207-102108

Submitted 4/13/2009

To: Santa Cruz County Planning Department
Don Bussey Project Manager
Annette Olson Project Planner
Santa Cruz County Supervisor Neal Coonerty
Assistant Rachel Dann.

Re: APN 027 092 07, located at 331 5th Ave. Santa Cruz, California
Planning Department application #08-0444

This letter is in response to the proposed demolition of a small beach cottage and construction of a new 1225 sq.ft. 3 bedroom residence at the above property. We are concerned neighbors living near this proposed project. Several of us have seen the current plans submitted to the Planning Dept. on March 20, 2009. The current owners are requesting a reduction of both front and rear yard setbacks. The rear yard setback reduction requires a variance. The front yard setback reduction will probably be allowed due to the new "front yard averaging method" which was just approved by the Coastal Commission in March of 2009. The rear yard setback variance that they are asking for will give the owners an additional 5 ft. of depth to build, thus reducing the standard 15 ft. setback to 10 ft. We are against any variances, especially those which will allow a larger home to be constructed. The standard lots on the west side of 5th Ave. are 2000 sq.ft. lots of which a 1000 sq.ft. residence can be built under current regulations. If the Planning Department approves the requested rear yard setback reduction it will allow the building to increase to 1225 sq.ft. plus a full size garage. This current plan contradicts the "Harbor Area Special Community Design Area" criteria #13.20.144 which calls out that new single-family construction shall incorporate the characteristics of older dwellings in the area, e.g. small scale homes. The way to keep new construction small is to not grant variances for larger buildings. We feel that there are no special circumstances to grant a variance to the subject property including size, shape, topography, location or surroundings. None of these circumstances exist to justify a rear yard setback reduction. Granting a rear yard setback reduction variance for this property would constitute a "special privilege". Recently there have been three single-family homes constructed on 5th Ave. None of these newly constructed homes required a variance. Existing county setbacks and building restrictions do not present any hardships to the owners, who would still be allowed to build, only on a smaller scale as outlined in the "Harbor Area Special

Community Design Area". It is important to maintain the integrity of our small tight neighborhood. Allowing variances like this will only set a dangerous precedent for future development. This is a beach community, with small homes on small lots. There are a number of potential new construction projects, and variances such as requested will only reduce our minimal privacy while increasing the density in our already impacted neighborhood. All parcels on the west side of 5th Ave. have an area of 40x50 ft. All new construction is faced with the same small lot restrictions. This is why most of the old homes are small. Size is common to all. County planners need to protect our neighborhood. Building regulations and restrictions are already in place to do this. It is important that the County Planners follow through on enforcing that which has already been approved and not put the neighbors in a position where we have to fight to protect our homes and lifestyle in this unique area. It is believed that in order to protect the interests of those who hold rights in the nearby parcels for which the variance is sought, means that each party forgoes rights to use its land as it wishes in return for the assurance that the use of the neighboring property will be similarly restricted, such mutual restriction can enhance the total community welfare. We are asking you as Planners and Supervisors to mediate this issue and require the necessary changes in current plans for this project before it goes to the public hearing.

Concerned neighbors of the 5th Ave. and Harbor Area

Jack L. Kennon
455 7th Ave
Santa Cruz, CA, 95062

YVONNE ROSE & TODD
200 5th Ave
S. Cruz 95062

Henry Boole
400 Dolores St
S. Cruz 95062

Keslie Bowman
381 5th Ave
Santa Cruz 95062

Susan Cellarius
330 5th Ave.
Santa Cruz, CA 95062

Ron Baldwin
370 5th Ave
SANTA CRUZ 95062

Gary Titchner
275 - 5th Ave
Santa Cruz, 95062

Ron & Linda Frost
351 5th Ave Santa Cruz 95062

RICH CARLSON
417 ALTA LOMA
SANTA CRUZ, CA 95062

Community Design Area". It is important to maintain the integrity of our small tight neighborhood. Allowing variances like this will only set a dangerous precedent for future development. This is a beach community, with small homes on small lots. There are a number of potential new construction projects, and variances such as requested will only reduce our minimal privacy while increasing the density in our already impacted neighborhood. All parcels on the west side of 5th Ave. have an area of 40x50 ft. All new construction is faced with the same small lot restrictions. This is why most of the old homes are small. Size is common to all. County planners need to protect our neighborhood. Building regulations and restrictions are already in place to do this. It is important that the County Planners follow through on enforcing that which has already been approved and not put the neighbors in a position where we have to fight to protect our homes and lifestyle in this unique area. It is believed that in order to protect the interests of those who hold rights in the nearby parcels for which the variance is sought, means that each party forgoes rights to use its land as it wishes in return for the assurance that the use of the neighboring property will be similarly restricted, such mutual restriction can enhance the total community welfare. We are asking you as Planners and Supervisors to mediate this issue and require the necessary changes in current plans for this project before it goes to the public hearing.

Concerned neighbors of the 5th Ave. and Harbor Area

1. M. [Signature] 30 6TH AVE SANTA CRUZ, CA.
2. [Signature] 320 5TH Ave Santa Cruz CA 95062
(JEAN TRUEX) 959415
3. Jessamy Lasher 320 5th Ave., Santa Cruz, CA 95062
(JESSAMY LASHER)
4. Richard Snedden 431 5TH AVE, Santa Cruz, CA 95062
5. Thomas A. Leonard 417 5TH Ave, Santa Cruz, CA 95062
6. Saurdia Sand 290 5TH AVE #2 Santa Cruz 95062
- 7.
- 8.

Community Design Area". It is important to maintain the integrity of our small tight neighborhood. Allowing variances like this will only set a dangerous precedent for future development. This is a beach community, with small homes on small lots. There are a number of potential new construction projects, and variances such as requested will only reduce our minimal privacy while increasing the density in our already impacted neighborhood. All parcels on the west side of 5th Ave. have an area of 40x50 ft. All new construction is faced with the same small lot restrictions. This is why most of the old homes are small. Size is common to all. County planners need to protect our neighborhood. Building regulations and restrictions are already in place to do this. It is important that the County Planners follow through on enforcing that which has already been approved and not put the neighbors in a position where we have to fight to protect our homes and lifestyle in this unique area. It is believed that in order to protect the interests of those who hold rights in the nearby parcels for which the variance is sought, means that each party forgoes rights to use its land as it wishes in return for the assurance that the use of the neighboring property will be similarly restricted, such mutual restriction can enhance the total community welfare. We are asking you as Planners and Supervisors to mediate this issue and require the necessary changes in current plans for this project before it goes to the public hearing.

Concerned neighbors of the 5th Ave. and Harbor Area

Edward L. Martinez III
470 5th Ave
Sara Ward / Eddy Martinez
Jason Trotter 481 5th Ave
Carly Cross 481 5th Ave.
Cora Kroll 340 5th Ave
Amy Kearn 341 5th Ave

2-16-2009

80-5th
160-5th

ONLY 2 HOMES where
garages used to park
vehicles



10 GARAGE

NO GARAGE

NO GARAGE

GARAGE WALLED OFF
CONVERTED TO
LIVING SPACE

CARPORT
NO GARAGE

GARAGE CONVERTED
TO BEDROOM

NO GARAGE

GARAGE CONVERTED
TO STORAGE

1 CAR GARAGE
NEW CONSTRUCTION

NO GARAGE

2 CAR GARAGE
NEW CONST.

GARAGE WALLED OFF
CONVERTED TO BDRM

DETACHED GARAGE
CONVERTED TO STORAGE

NO GARAGE



CARMEL ST.

Dave and Robin Sequeira
2474 W. Ave. 133rd
San Leandro, CA 94577

April 17, 2009

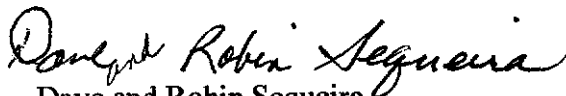
Annette Olson, Project Planner
County of Santa Cruz Planning Dept.
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Ron Brost Petition submitted 4-13-09
Application #: **08-0444**; Assessor's Parcel #: **027-092-07**

Dear Annette,

Enclosed is our response to our "neighbor's" petition against the above referenced project. Please attach this response to your original of the petition and ensure that it is included if the petition is copied, shown or otherwise shared with other staff members.

Sincerely,


Dave and Robin Sequeira
Owners

April 17, 2009

Response to R. Brost Petition "submitted 4-13-09"

Page 1

"...construction of a new 1225 sq.ft. 3 bedroom residence...If the Planning Department approves the requested rear yard setback reduction it will allow the building to increase to 1225 sq.ft. plus a full size garage"

With the requested variances, the current plans are for approximately 1000 sq. ft. of living space and 225 sq. ft. of garage.

"...Several of us have seen the current plans..."

We do not know who showed plans to whom or which version (date) of plans it was; however we feel that nothing is finalized yet with the county and we are not even sure exactly what the final plans are going to look like other than to have approximately 1000 sq. ft. of living space and 225 sq. ft. of garage.

There are two schools of thought here. One is to show people all sets of preliminary elevations, floor plans, etc. and the other is to wait until you have a pretty sure picture of what you are going to submit for public hearing. Since our elevations and floor plans have been revised at least a half dozen times in the past 11 months (and we still are not deemed complete!), we think it is best to go with the second approach.

"...We are against any variances..."

We find this statement to be extremely prejudiced and discriminatory. The author and signers are saying that they are completely opposed to **any** person, who applies for **any** variance, for **any** reason. This kind of prejudiced statement discriminates against larger families, persons with certain physical disabilities, and all property owners who desire to exercise their legal right to apply for a variance.

While we understand that the County does not grant variances as liberally as it did in the recent past, we hope that County employees will not give credence to these petitioners mean spirited attitude.

"...The rear yard setback variance that they are asking for will give the owners an additional 5 ft. of depth to build, thus reducing the standard 15 ft. setback to 10 ft..."

A rear yard setback variance is being sought for the garage and mechanical room areas. The rest of the rear yard elevation (approximately 50%) is at the standard setback.

"...We are against any variances...the 'Harbor Area Special Community Design Area' criteria...calls out that new single-family construction shall incorporate the characteristics of older dwellings in the area... Granting a rear yard setback reduction variance for this property would constitute a 'special privilege'"

It is interesting to note that ALL of the 23 petition signers live in or own "older dwellings" that have multiple, non-conforming conditions which would require variances if they had to rebuild.

We know for a fact that the initiator of the petition lives in a home that was built in 1989 with extreme setback variances (e.g. **eight inch** side yard) and numerous signers enjoy porches, decks, and even buildings that extend to their property lines.

At least 17 of the 23 petition signers enjoy garages; the rear yard variance allows us to enjoy the same. We feel that the rear yard variance we are requesting is reasonable and defensible.

"...We feel there are no special circumstances to grant a variance to the subject property ...Recently there have been three single-family homes constructed on 5th Ave. None of these newly constructed homes required a variance..."

We do not know if any of the homes recently built on 5th Ave. were granted variances but we do know that they are all on the east side of the street and one of them occupies at least 1 ½ parcels. Parcels on our side of 5th Ave. are at least 400 sq. ft. smaller than those on the east side of 5th.

Page 2

"...It is important to maintain the integrity of our small tight neighborhood... County planners need to protect our neighborhood...and not put the neighbors in a position where we have to fight to protect our homes and lifestyles...It is believed that in order to protect the interests of those who hold rights in the nearby parcels...each party forgoes rights to use its land as it wishes in return for the assurance that the use of the neighboring property will be similarly restricted, such mutual restriction can enhance the total community welfare..."

We find this portion of the petition extremely offensive. The author and signers of this petition are unfairly portraying our proposed project as a threat to the community. We are working diligently with the County so that we may upgrade our 72 year old cabin. All we want to do is legally build a home that meets our family's needs. Our extended family has owned this property since the Venice Tract was first developed. We were here before our "neighbors" and, God willing, our descendants will be here long after. Our family has not blocked the street; sold drugs; let our animals defecate in neighbors' yards; spray painted our house on a windy day; parked on another's property; abandoned vehicles; lit bottle rockets or firecrackers in the neighborhood; etc., etc. We have never harmed our community and we feel that modernizing and upgrading our 72 year old house will enhance the value of the whole neighborhood.

Respectfully submitted by Dave and Robin Sequeira, owners of APN 027-092-07 and APN 027-092-06.