

Staff Report to the Zoning Administrator

Application Number: 08-0453

Applicant: Derek Van Alstine Owner: Michael & Eileen Forster APN: 028-281-15 Agenda Date: December 11, 2009 Agenda Item #: 6 Time: After 1:00 p.m.

Project Description: Proposal to demolish an existing 1-story single-family dwelling and construct a new 2-story, 3,058 square foot 3-bedroom residence with a non-habitable basement. Requires a Coastal Development Permit, Design Review and Preliminary Grading Approval.

Location: The project is located on the west side of Moran Way near the intersection of Moran Way and Palisades Avenue at 171 Moran Way in Live Oak.

Supervisorial District: 1st District (District Supervisor: John Leopold)

Permits Required: Coastal Development Permit, Preliminary Grading Approval **Technical Reviews**: Design Review, Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 08-0453, based on the attached findings and conditions.

Exhibits

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)

E. Assessor's, Location, Zoning and General Plan MapsF. Colors and Materials board

Parcel Information

Parcel Size: Existing Land Use - Parcel: Existing Land Use - Surrounding: Project Access: Planning Area: Land Use Designation: 6,505 square feet residential residential Driveway off Moran Way Live Oak R-UM (Urban Medium Residential)

County of Santa Cruz Planning Department 701 Ocean Street, 4th Floor, Santa Cruz CA 95060 Application #: 08-0453 APN: 028-281-15 Owner: Michael & Eileen Forster

Zone District:	R-1-5 (single-family residential, 5,000 square foot	r
	minimum)	
Coastal Zone:	<u>x</u> Inside Outside	
Appealable to Calif. Coastal Comm.	<u>x</u> Yes <u>No</u>	

Environmental Information

Geologic Hazards: Soils:	Moran Lake riparian area and buffer through site Sandy silt, dense sand and bedrock
Fire Hazard:	Not a mapped constraint
Slopes:	Downward slope from street to Moran Lake at an average gradient of 4:1
Env. Sen. Habitat:	Riparian area along northwest side of parcel
Grading:	172 cubic yards of cut to be removed to an approved location off-site
Tree Removal:	No trees proposed to be removed
Scenic:	Public views to project site from Moran Lake County Park trails
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<u>x</u> Inside <u>Outside</u>
Water Supply:	City of Santa Cruz Water District
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire
Drainage District:	Zone 5

History

According to Assessors' records, the existing residence was constructed in 1961. In 2007, a Riparian Pre-Site determination was made (# 07-0684) through which it was determined that reconstruction could be allowed within the previously disturbed riparian area provided that no further encroachment would occur toward Moran Lake.

Project Setting

The project site is developed with an existing single-family residence of approximately 1300 square feet, a carport, rear deck and a small shed. There are views from the rear (northwest) of the parcel across to public trail areas of Moran Lake County Park. However, the proposed new residence will be similar in scale and height to adjacent dwellings to the north and will not create a significant new impact on the public viewshed.

As is the case with many of the surrounding parcels, there is existing development within the 100foot riparian setback from Moran Lake. Riparian Pre-Site 07-0684 determined that the existing structural encroachments pre-date the Riparian Exception Ordinance and that the proposed replacement structure could be built within the same footprint of disturbance.

Zoning & General Plan Consistency

The subject property is a parcel of approximately 6,505 square feet, located in the R-1-5 (single-family residential, 5,000 square foot minimum) zone district, a designation that allows residential

uses. The proposed single-family dwelling is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

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 and integrated with the beach neighborhood character of the surrounding area. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary in the area, and the design submitted is consistent with the existing range. The project site is 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 single-family 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 natural colors and shingles to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. The proposed dwelling is angled in a manner that allows the neighbors to the north to retain most of their view down Moran Lake toward the ocean.

During the Design Review process, the County Urban Designer offered comments to the applicant that resulted in exterior design revisions that allowed the proposed project to be more compatible in character with the surrounding neighborhood. The design was subsequently revised from a tile roof and stucco walls to a shingle finish with craftsman details. The project was also carefully reviewed to ensure that the non-habitable lower level would meet the ordinance definition of a basement. The neighborhood has dwellings that range from smaller one-story homes to residences that are of similar height, bulk and scale to what is proposed. Two existing homes immediately adjacent to the east of the proposed project are of the same approximate height and dimensions, and offer a similar profile as viewed from Moran Lake County Park, and most developed parcels nearby are built to a similar distance from Moran Lake.

Environmental Review

Environmental review of the proposed project per the requirements of the California Environmental Quality Act (CEQA) has resulted in the determination that the proposed project is exempt per CEQA Section 15303 (Class 3- New Construction).

Conclusion

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

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0453**, based on the attached findings and conditions.

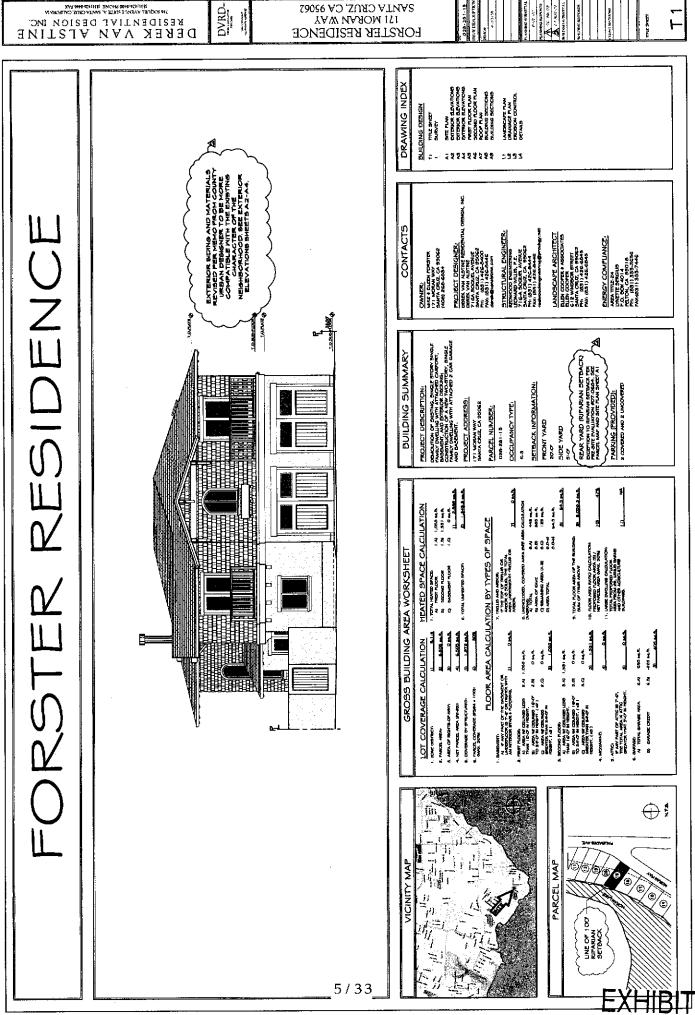
Application #: 08-0453 APN: 028-281-15 Owner: Michael & Eileen Forster

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

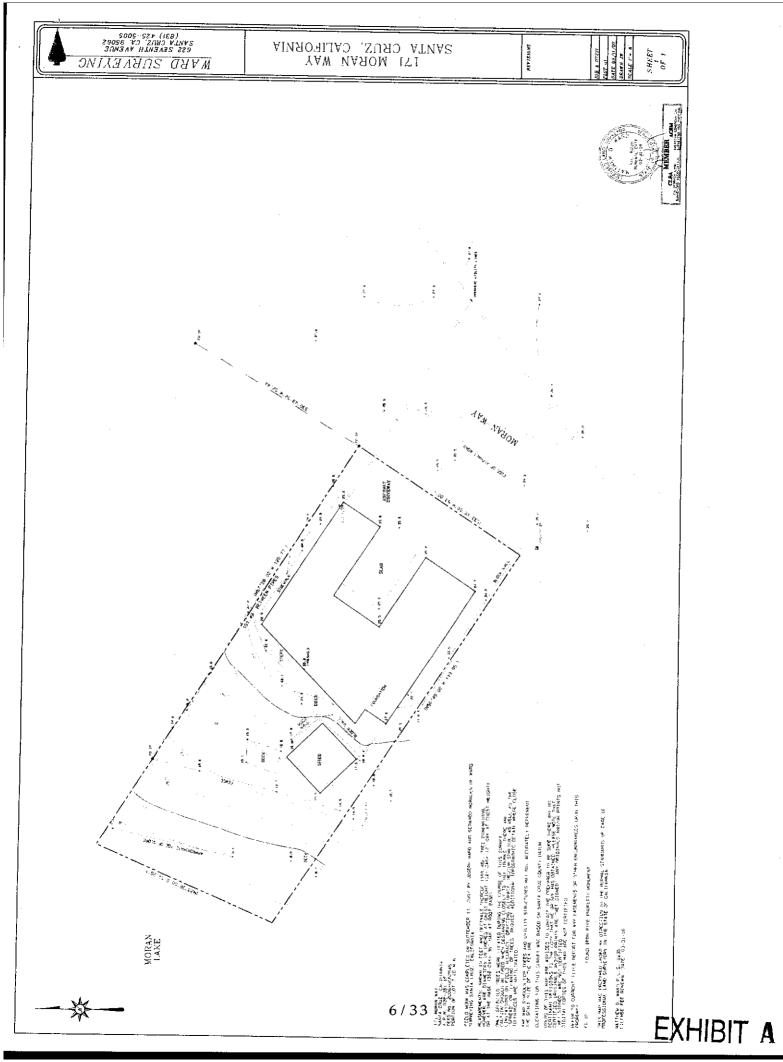
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

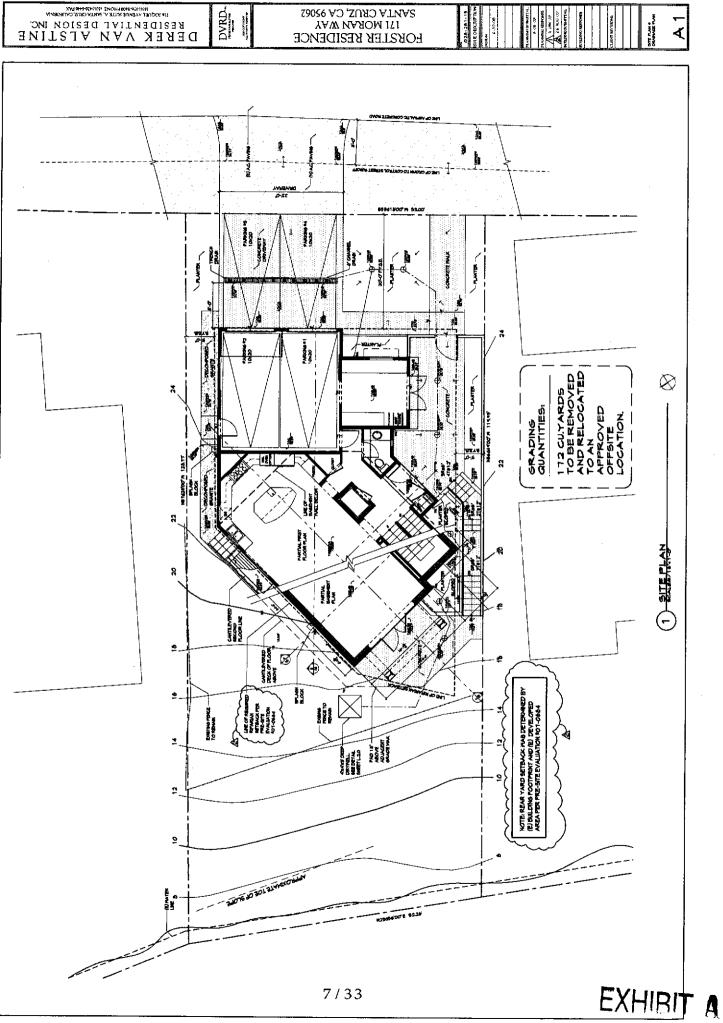
Report Prepared By: Alice Daly

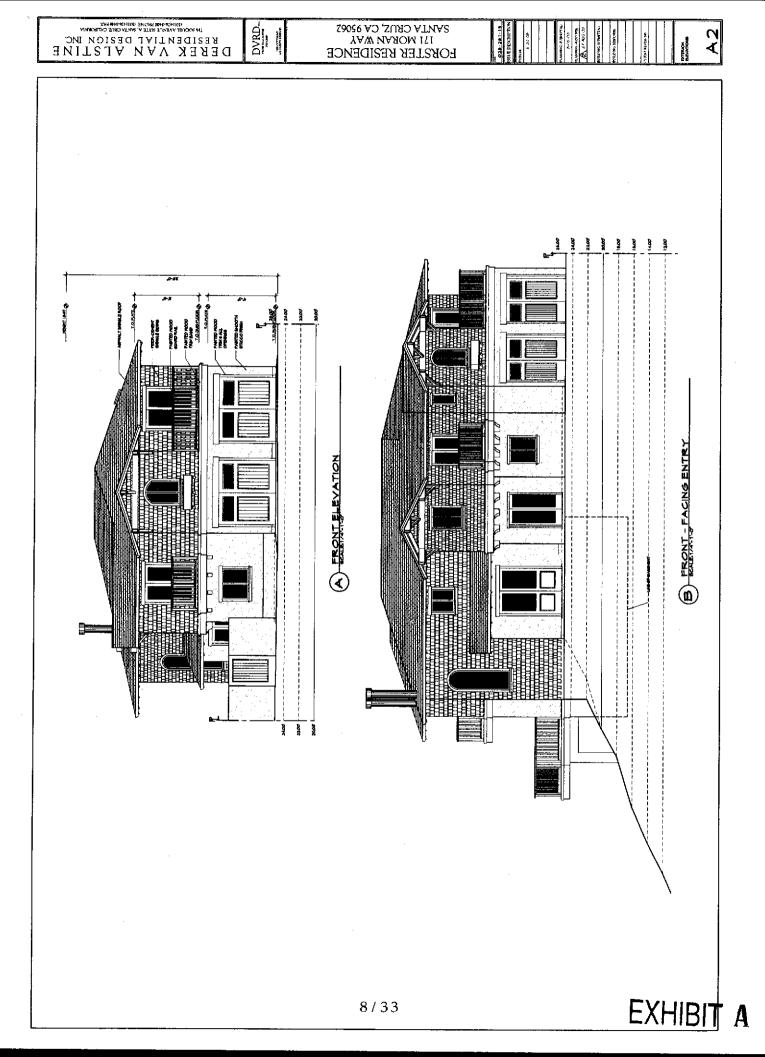
Santa Cruz County Planning Department 701 Ocean Street, 4th Floor Santa Cruz CA 95060 Phone Number: (831) 454-3259 E-mail: <u>alice.daly@co.santa-cruz.ca.us</u>

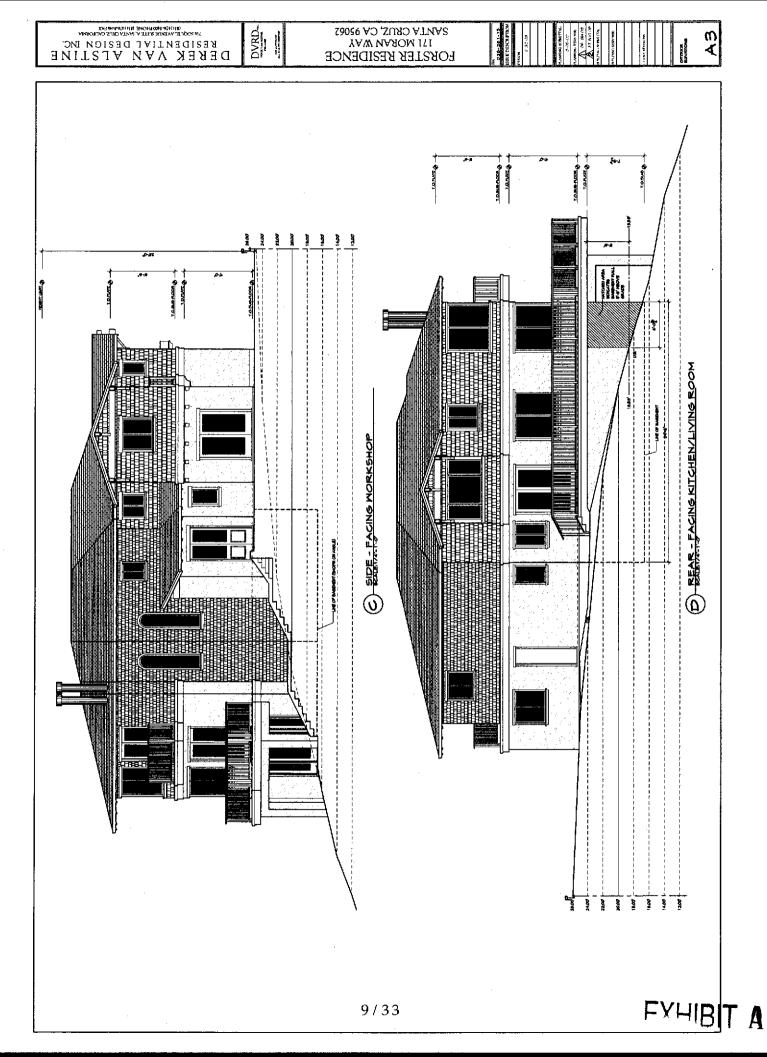


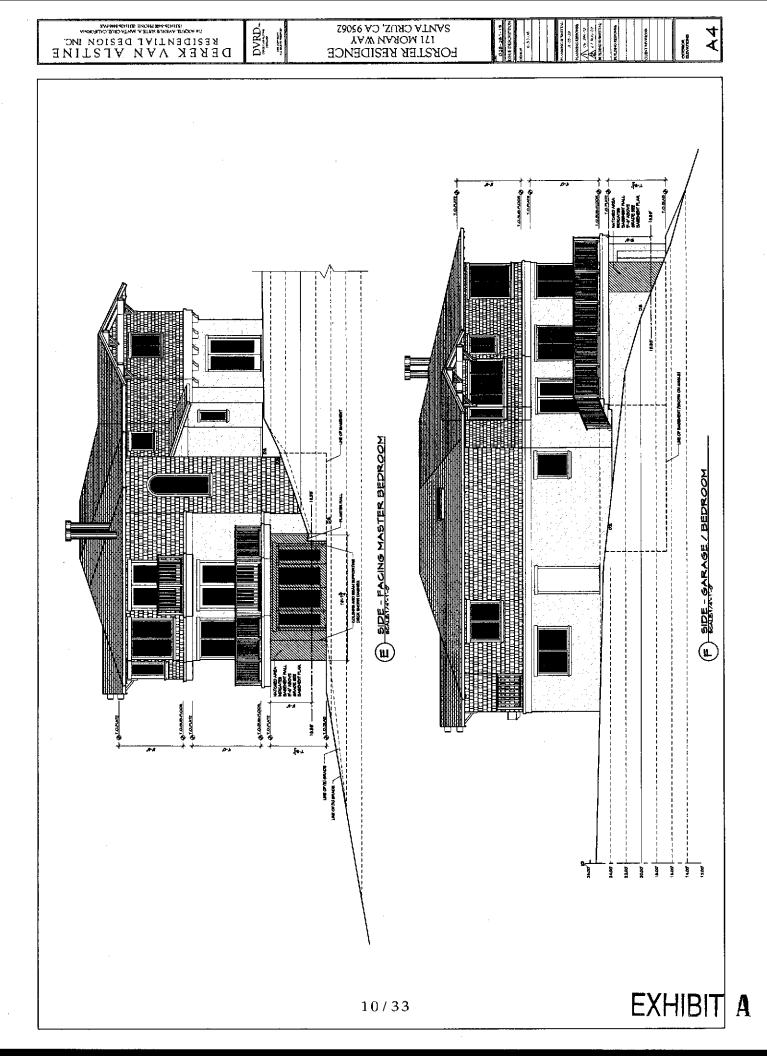
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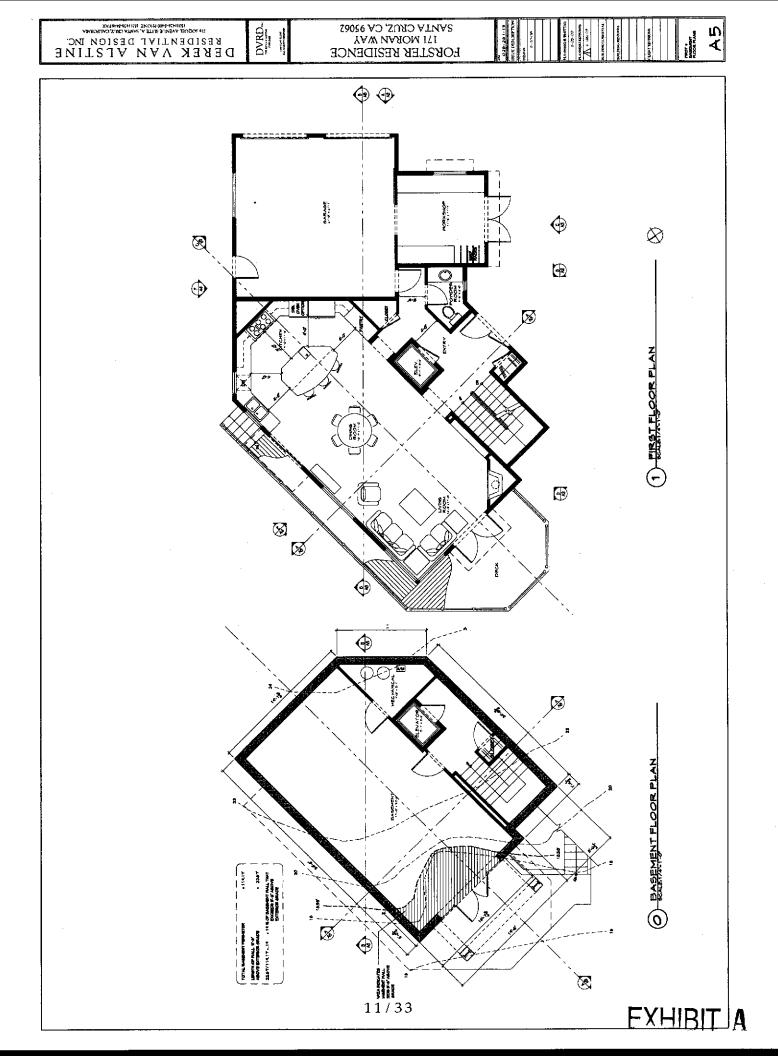


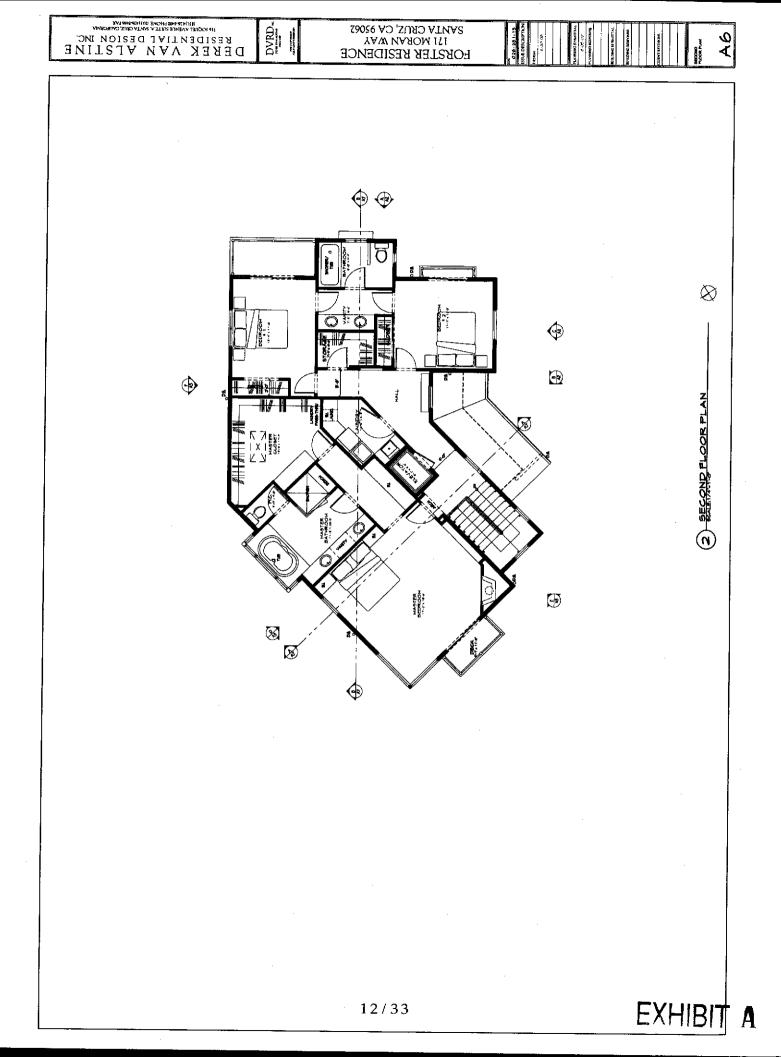


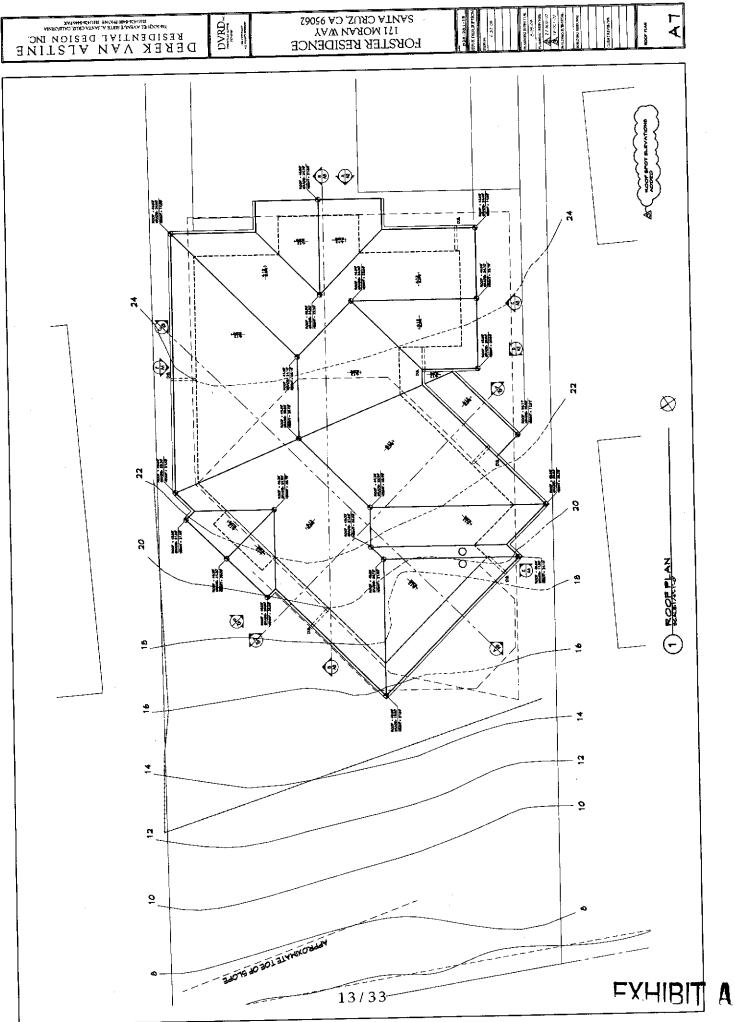


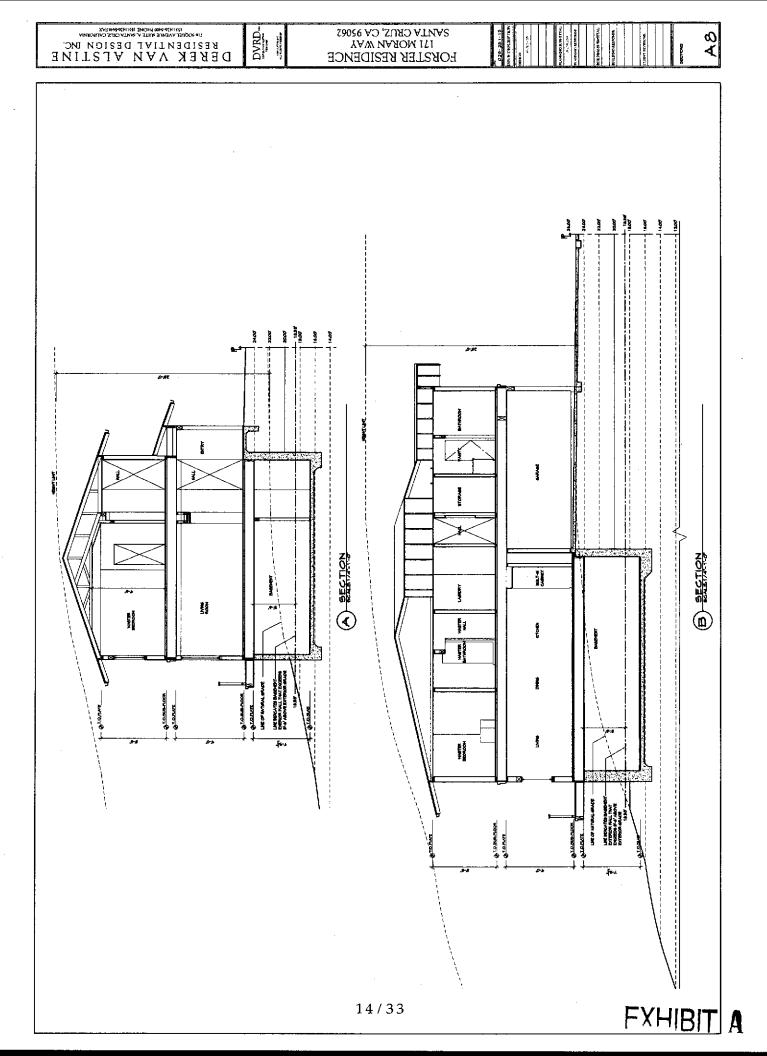


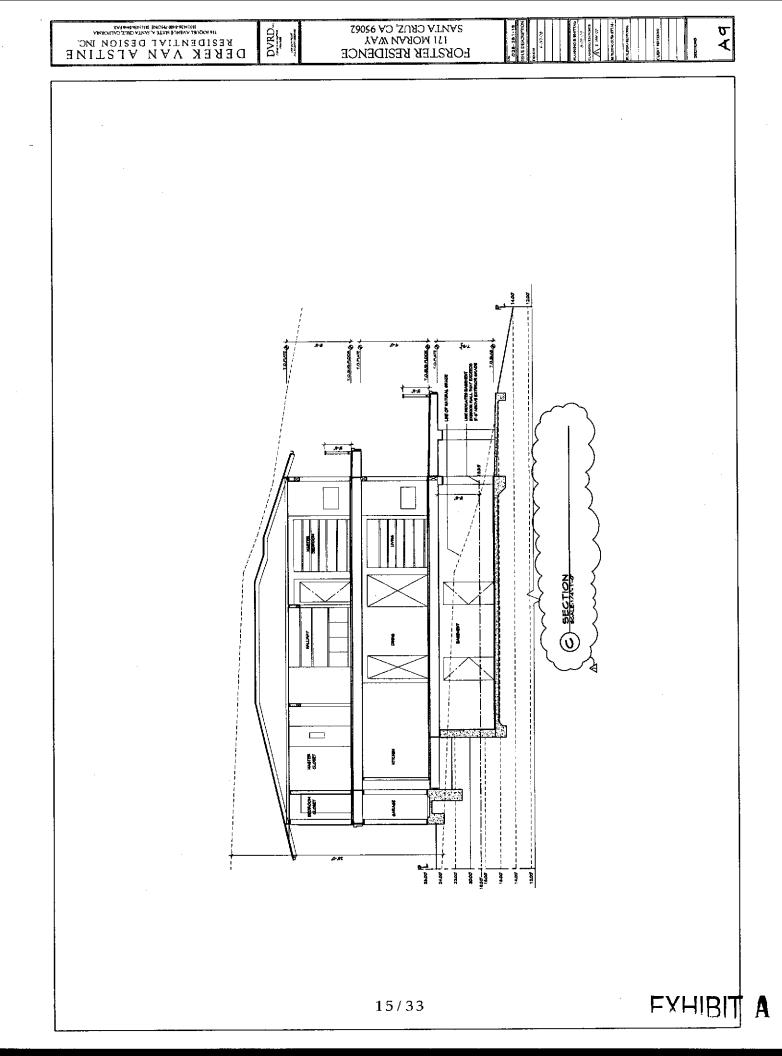


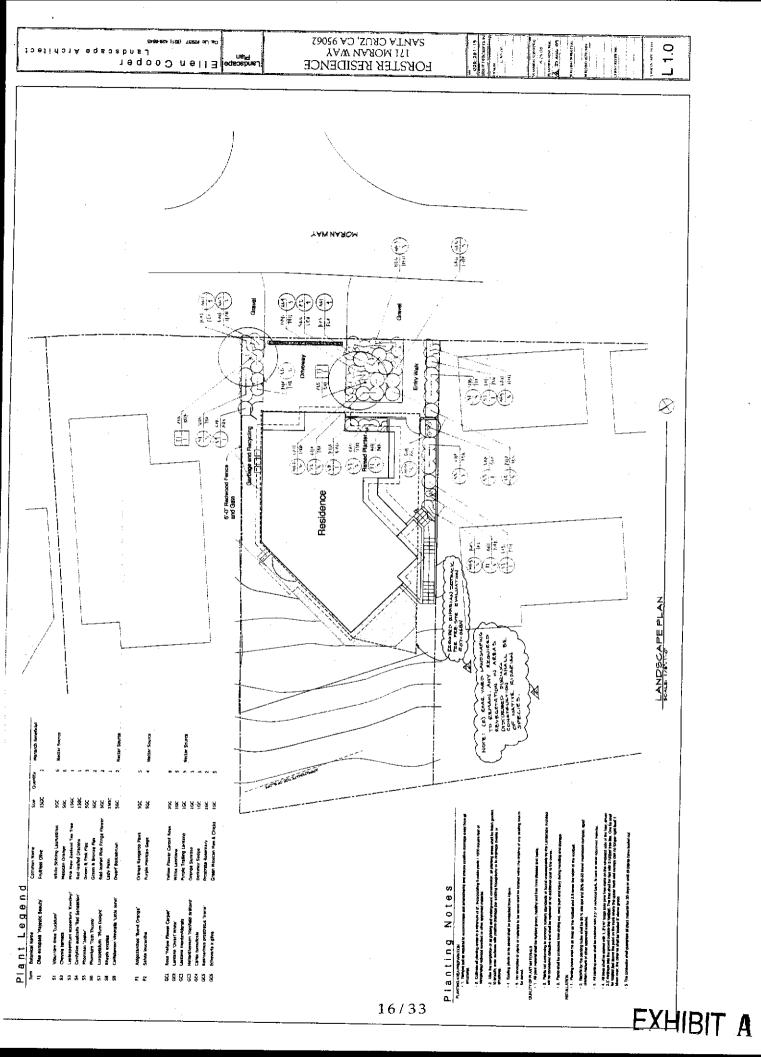


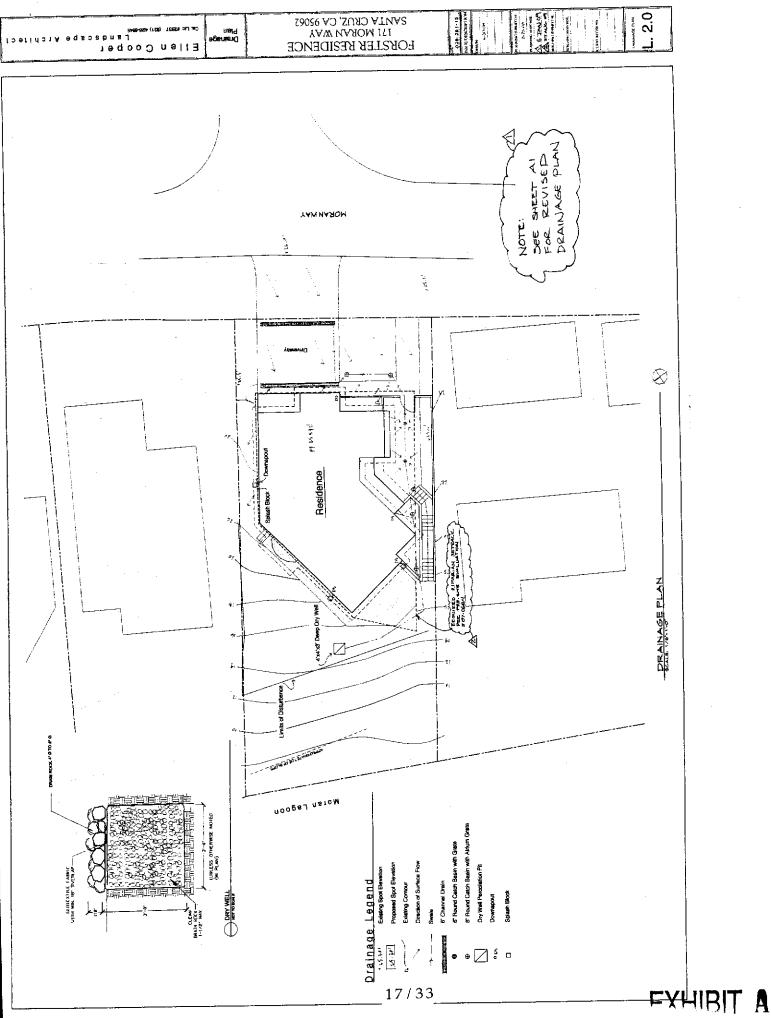


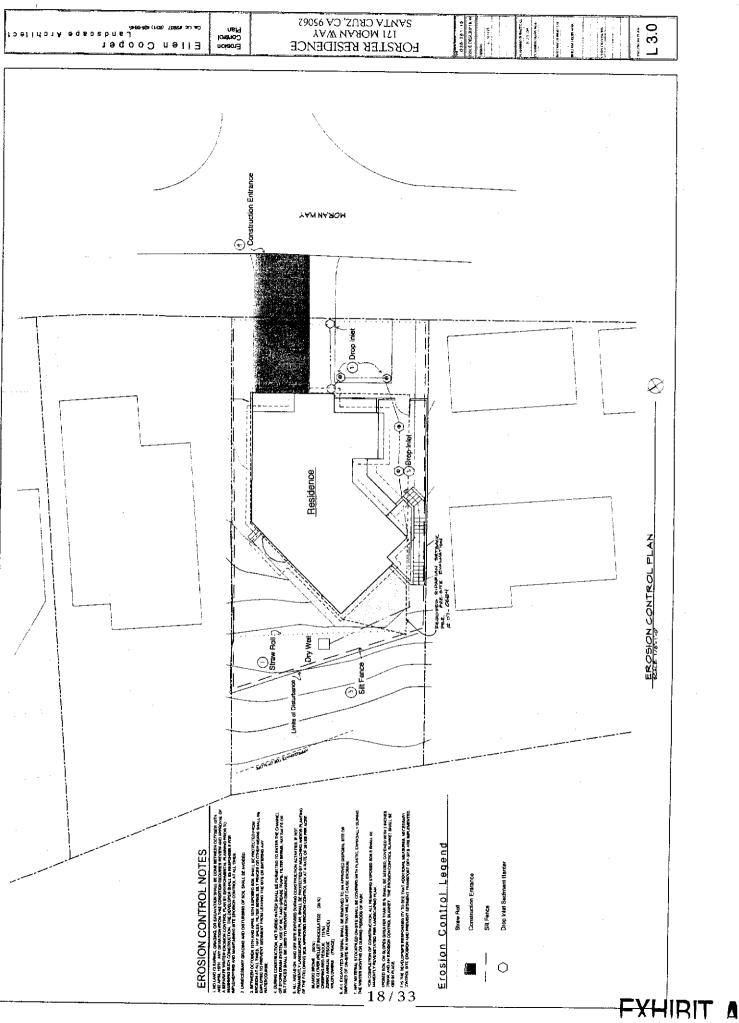


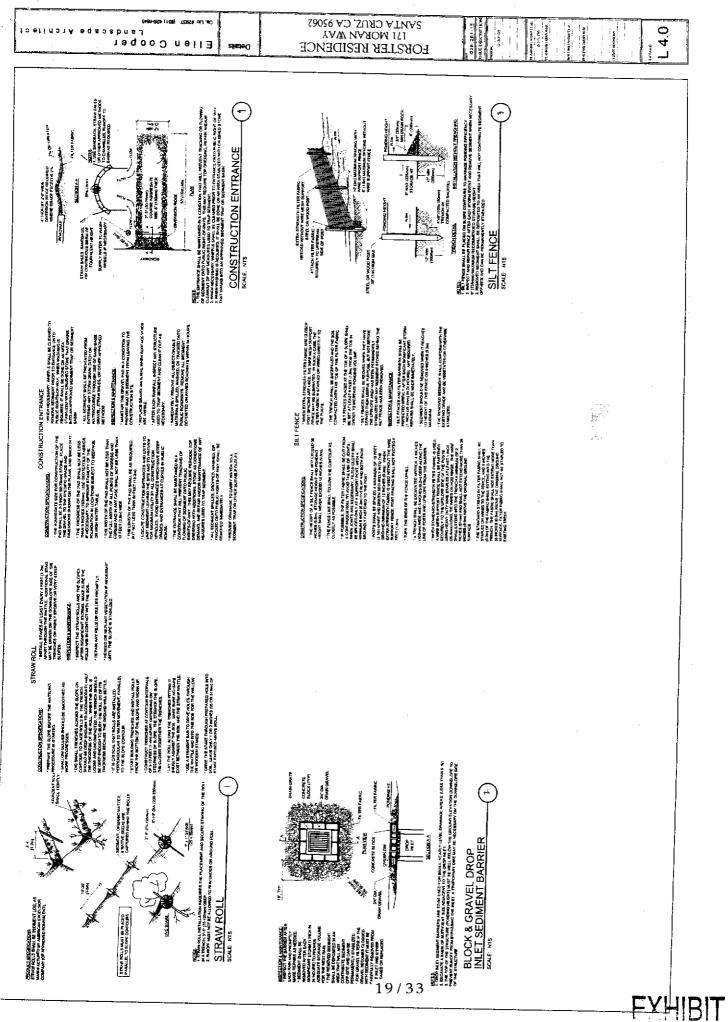












A

Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-5 (single-family residential, 5,000 square foot minimum), a designation that allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

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

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

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 and the development 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 and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5 (single-family residential, 5,000 square foot 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 in the area, and the design submitted is consistent with the existing range.

Development Permit Findings

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

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

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

This finding can be made, in that the proposed location of the single-family dwelling and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (single-family residential, 5,000 square foot minimum) zone district in that the primary use of the property will be a single-family dwelling that meets all current site standards for the zone district.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Medium Residential (R-UM) 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 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 for the zone district that ensure access to light, air, and open space in the neighborhood.

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-1-5 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

EXHIBIT B

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

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

This finding can be made, in that the proposed single-family dwelling is to be constructed on an existing developed lot. There will be no expected increase in the level of traffic generated by the proposed project and the project will not adversely impact existing roads and intersections in the surrounding area.

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

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed 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 design that will compliment the aesthetic qualities of the surrounding properties and will not reduce or visually impact open space in the surrounding area. The neighborhood has dwellings that range from smaller one-story homes to residences that are of similar height, bulk and scale to what is proposed. Two existing homes immediately adjacent to the east of the proposed project are of the same approximate height and dimensions, and offer a similar profile as viewed from Moran Lake County Park, and most developed parcels nearby are built to a similar distance from Moran Lake.

Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-5 (single-family residential, 5,000 square foot minimum), a designation that allows residential uses. The proposed single-family dwelling is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium Residential General Plan designation.

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

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

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 a single-family shingle and stucco dwelling 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 and the development 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 and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-5 (single-family residential, 5,000 square foot 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 in the area, and the design submitted is consistent with the existing range.

EXHIBIT B

- 2. Grading, drainage, and erosion control plans.
- 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 that clearly depict the total height of the proposed structure. Maximum height is 28 feet.
- 4. Details showing compliance with fire department requirements.
- 5. Plans reflecting a maximum floor-to-ceiling height as defined by County Code in the basement of less than 7'6".
- 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. Drainage requirements include the following:
 - 1. Provide a signed, stamped letter from the project geotechnical engineer approving the location of the proposed retention pit.
 - 2. Provide a tabulation of existing impervious areas and new impervious areas resulting from the proposed project. To receive credit for the existing impervious surfaces please provide documentation such as assessors' records, survey records or aerial photos.
 - 3. A recorded maintenance agreement will be required for the proposed retention system. The maintenance agreement form can be picked up at the Public Works office or found online at : <u>http://www.dpw.co.santacruz.ca.us/Storm%20water/FigureSWM25.pdf</u>
 - 4. The designer has to inspect the drainage improvements on the parcel and provide Public Works with a letter confirming that the work was completed per the plans.
- 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. An electronic copy of the soils report in .pdf format via a compact disk or email shall also be submitted.

- F. Submit a plan review letter from the soils engineer stating that the final project plans conform with the recommendations of the soils report.
- G. The proposed location of on-site sewer laterals, clean-outs and connections to the existing public sewer must be shown on the plot plan of the building permit application. The existing lateral(s) must be properly abandoned (including an inspection by the Sanitation District) prior to issuance of the demolition permit or relocation or disconnection of the structure. An abandonment permit for disconnection work must be obtained by the District. Show all existing and proposed plumbing fixtures on building application floor plans.
- H. Pay the current fees for Parks and Child Care mitigation for 1 bedroom. Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
- I. Pay the current fees for Roadside and Transportation improvements for 1 bedroom. Currently, these fees are, respectively, \$913 and \$913 per bedroom.
- J. Provide required off-street parking for 3 cars. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- K. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
- L. Complete and record a Declaration of Restriction to construct a non-habitable basement. You may not alter the wording of this declaration. Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the

EXHIBIT C

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. All demolition and construction activities shall be limited to the hours of 8a.m. to 6 p.m. Mondays through Fridays and excluding holidays, unless a temporary exception to this restriction is approved in advance by County Planning.
- 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, it 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. <u>Settlement</u>. 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.

EXHIBIT C

D. <u>Successors Bound</u>. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

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

Please note: This permit expires 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 Alice Daly Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 08-0453 Assessor Parcel Number: 028-281-15 Project Location: 171 Moran Way

Project Description: demolish an existing 2-bedroom single-family dwelling and construct a new 2-story, 3-bedroom 3,000 square foot single-family residence with a non-habitable basement.

Person or Agency Proposing Project: Derek Van Alstine

Contact Phone Number: 831-426-8400

- 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. X Categorical Exemption

Specify type: Section 15303(a) New Construction

F. Reasons why the project is exempt:

Construction of one single-family residence in a residential zone district.

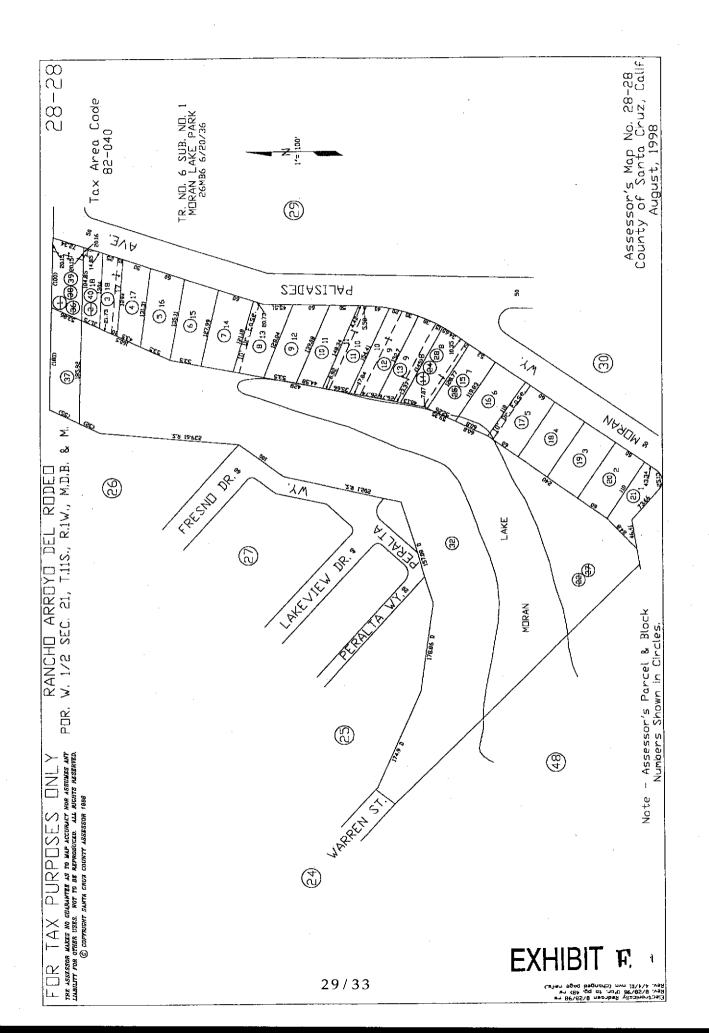
In addition, none of the conditions described in Section 15300.2 apply to this project.

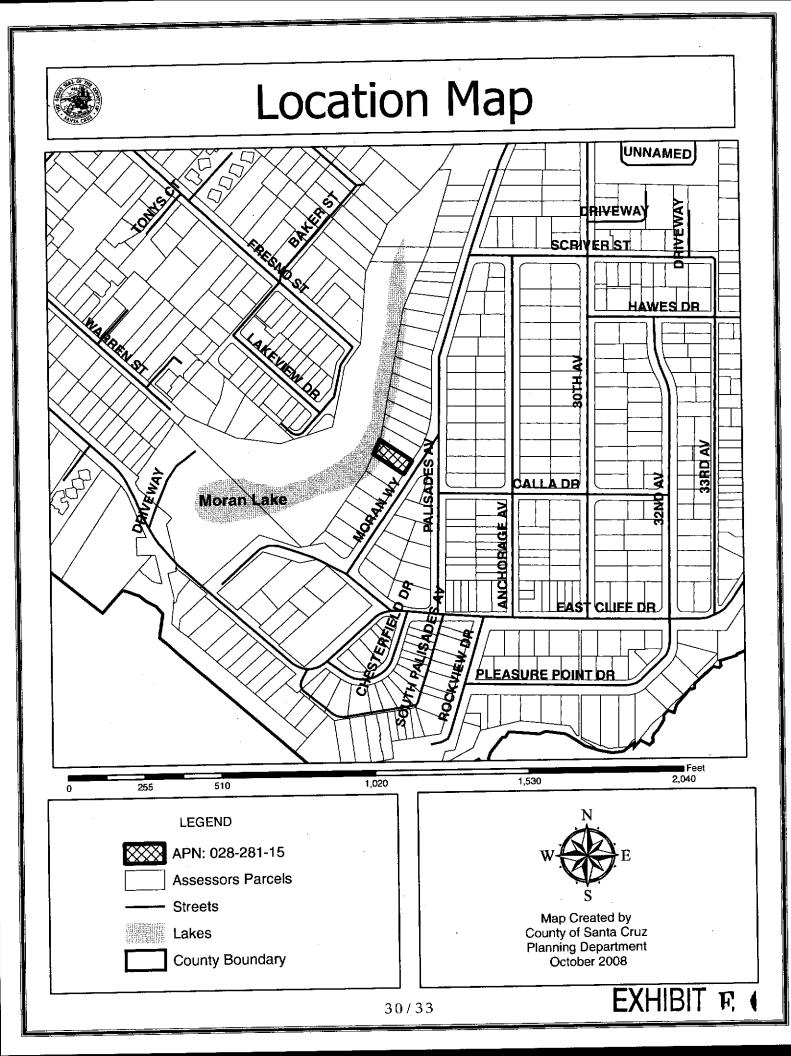
Alice Daly, Project Planner

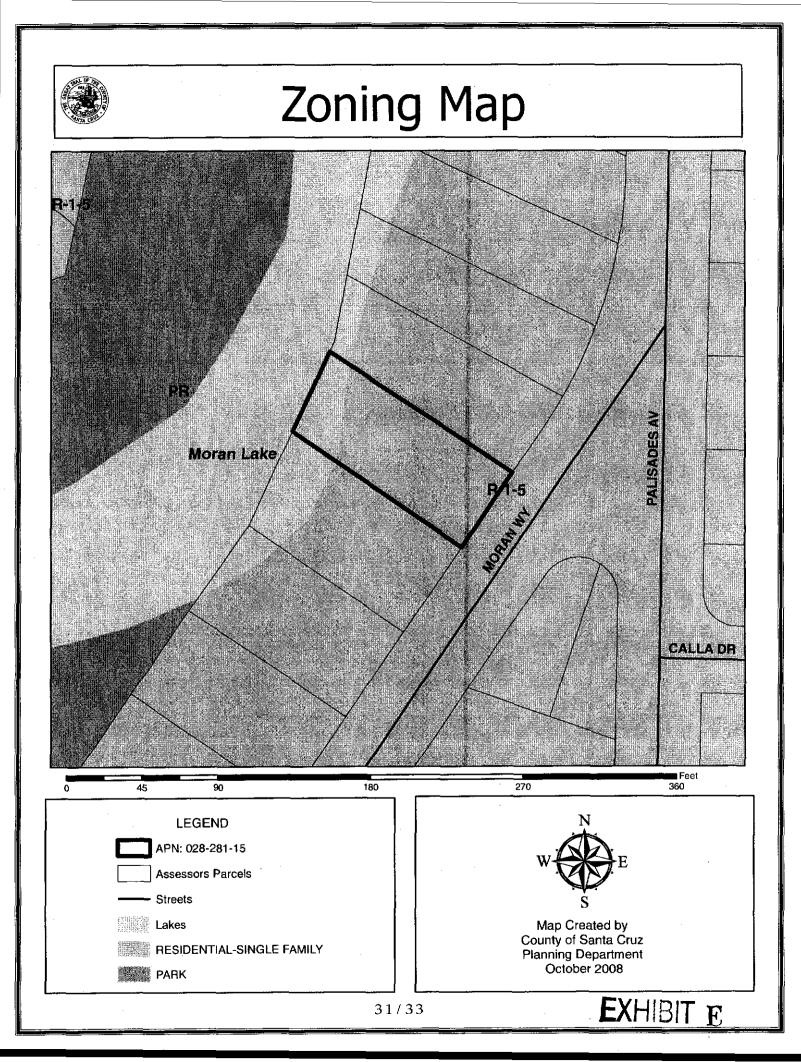
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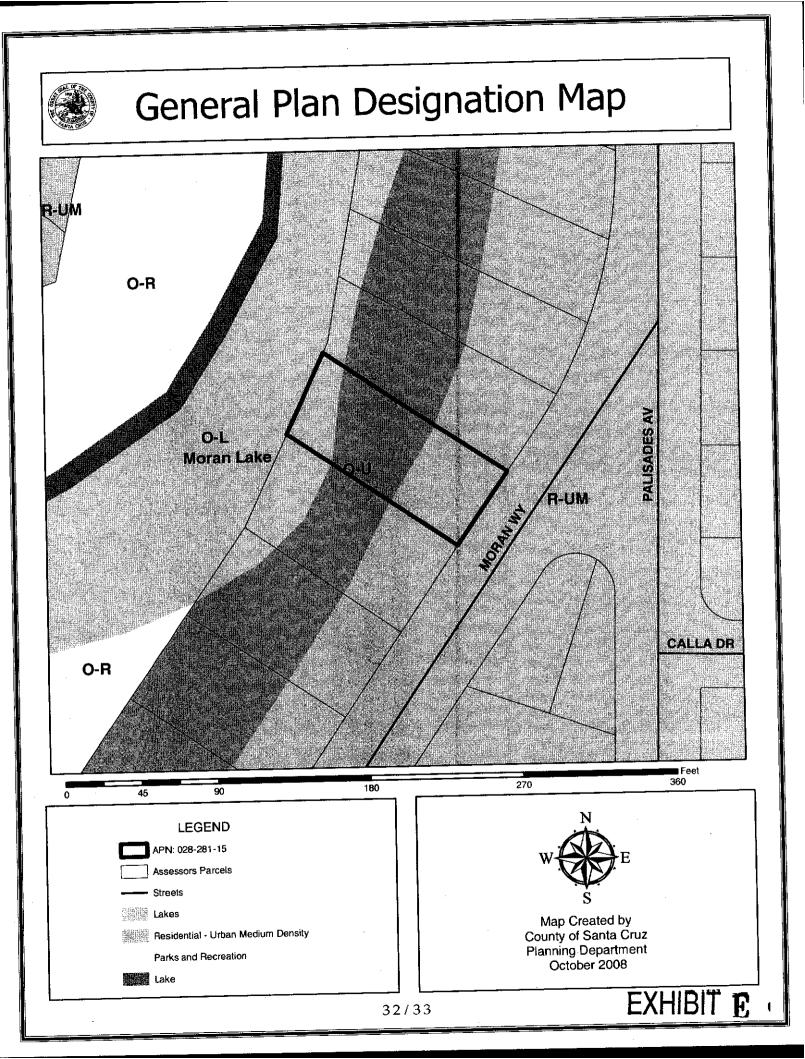
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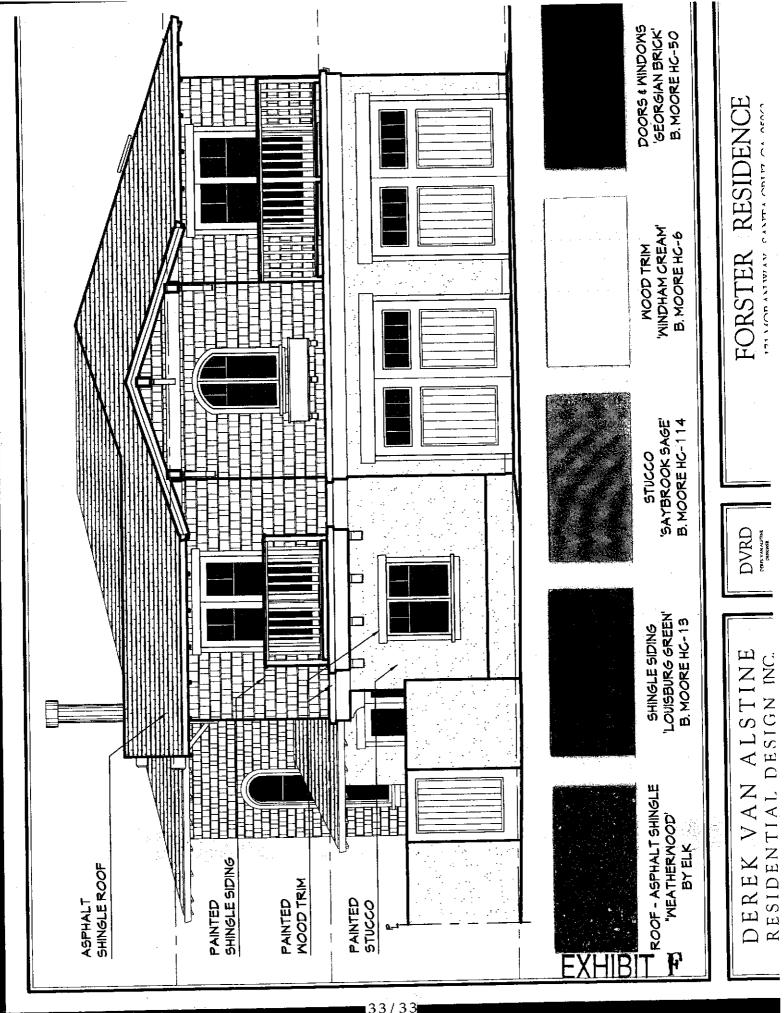
EXHIBIT D











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