



## Staff Report to the Zoning Administrator

Application Number: **09-0425**

**Applicant:** Jeanell Martin  
**Owner:** Jeanell Martin  
**APN:** 038-151-12

**Agenda Date:** July 2, 2010  
**Agenda Item #:** 2  
**Time:** after 10:00 a.m.

**Project Description:** Proposal to construct an approximately 225 sq. ft. glazed attic on an existing single-family dwelling.

**Location:** 733 Seacliff Drive, Aptos/La Selva Fire Protection District

**Supervisory District:** Second District (District Supervisor: Ellen Pirie)

**Permits Required:** Coastal Development Permit

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 09-0425, 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. Letter from owner                |
| D. Categorical Exemption (CEQA determination) | G. Photos of existing residence     |

### Parcel Information

Parcel Size:	3,877 sq. ft,
Existing Land Use - Parcel:	single-family residence
Existing Land Use - Surrounding:	residential
Project Access:	Seacliff Drive
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Density Residential)

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

Zone District: R-4 (Single family residential –  
4,000 sq. ft. min. parcel size)  
Coastal Zone: X Inside    Outside  
Appealable to Calif. Coastal Comm. X Yes    No

### Environmental Information

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

### Services Information

Urban/Rural Services Line: X Inside    Outside  
Water Supply: Soquel Creek Water District  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Aptos/La Selva Fire Protection District  
Drainage District: Zone 6

### Zoning & General Plan Consistency

The subject property is a parcel of approximately 3,877 square feet, located in the R-4 (Single family residential - 4,000 sq. ft. min. parcel size) zone district, a designation that allows residential uses. The existing dwelling is a principal permitted use within the zone district and the zoning is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

### Project Description

The applicant is proposing to place a greenhouse style structure between two portions of the roof of an existing residence.

### Definition of Attic

County Code 13.10.700(a) defines an attic as “the space between the underside of roof framing and the upper side of ceiling framing”. When the space under the roof framing meets the criteria for habitable space, it is considered to be a story, and is no longer an attic. Habitable areas are considered to have finished floor and ceilings. Staff's interpretation is that glazing is not a “finished ceiling” and therefore this structure is not considered habitable. A Condition of

Approval would require the applicant to file a Declaration of Restriction acknowledging that this space may not be used as "habitable space". Given that this is a "greenhouse" type of addition, use of this area for habitable purposes will be relatively easy to monitor.

The proposed glazed attic will not exceed the height of the existing roof elements, nor will it exceed the 28 feet maximum height. Framing for the unit will be less than 7'-6" above the existing flat roof. The glazed attic will barely be visible from the street and will not be seen from the beach. For the above stated reasons, staff can support the applicants' request.

### **Environmental Review**

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is already served by existing utilities, no change of use is proposed, the construction is minor, and is exempt under Section 15303 of CEQA (Class 3 - New Construction or Conversion of Small Structures).

### **Local Coastal Program Consistency**

The proposed 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.

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.

### **Conclusion**

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

### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **09-0425**, based on the attached findings and conditions.

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

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

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## 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-4 (Single family residential - 4,000 sq. ft. min. parcel size), a designation, which allows residential uses. The proposed attic is being added to an existing residence that is a principal permitted use within the zone district, and the zoning is consistent with the site's (R-UM) Urban Medium 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 glazed attic is consistent with the surrounding neighborhood, lots developed to an urban density surround the site and the glazing is transparent. The development site while on a prominent bluff top, does not impact the views from the beach. The addition does extend beyond the existing rooflines, and is also not at all prominent in views from the public street (Seacliff Drive).

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. 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 glazed attic is compatible, in scale with, and integrated with the character of the existing residence. Additionally, residential uses are allowed uses in the R-4 (Single family residential - 4,000 sq. ft. min. parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area

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contain single-family dwellings.

## **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 glazed attic will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the entire structure as proposed will meet 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 new glazed attic 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-4 (Single family residential - 4,000 sq. ft. min. parcel size) zone district. The attic will not be habitable. The primary use of the property will remain one 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 existing residential use is consistent with the use and density requirements specified for the Urban Medium Density Residential (R-UM) land use designation in the County General Plan.

The proposed glazed attic addition 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 dwelling as proposed 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 glazed attic addition will not create a structure that would 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 dwelling will comply with the site standards for the R-4 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a

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structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

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

This finding can be made, in that the dwelling is to be constructed on an existing developed lot and no new bedrooms are proposed.

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 existing residence is located in a mixed neighborhood containing a variety of architectural styles, and the proposed glazed attic addition will not be inconsistent 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 dwelling with the new glazed attic 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.



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## Conditions of Approval

Exhibit A: Architectural drawings (five sheets) prepared by American Brands Construction, dated 10/15/09.

- I. This permit authorizes the construction of a glazed attic addition on the roof of an existing single-family dwelling. 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 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.
  - C. 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. Details showing compliance with fire department requirements.
    2. No additional lighting (other than existing lights) is permitted.
  - 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.

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- C. Meet all requirements and pay any applicable plan check fee of the Aptos/La Selva Fire Protection District.
  - D. Complete and record a Declaration of Restriction acknowledging this as a non-habitable, glazed attic addition. **You may not alter the wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
  - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
  - C. The project must comply with all recommendations of the approved soils reports.
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- IV. Operational Conditions
- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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

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

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**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: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Lawrence Kasparowitz  
Project Planner

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

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

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

Application Number: 09-0425  
Assessor Parcel Number: 038-151-12  
Project Location: 733 Seacliff Drive, Aptos, CA

Project Description: Proposal to construct an approximately 225 sq. ft. glazed attic.

Person Proposing Project: Jeanell Martin

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

F. Reasons why the project is exempt: Construction of a residence in an area designated for residential development.

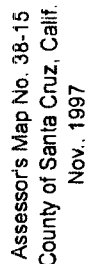
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner

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

38-15

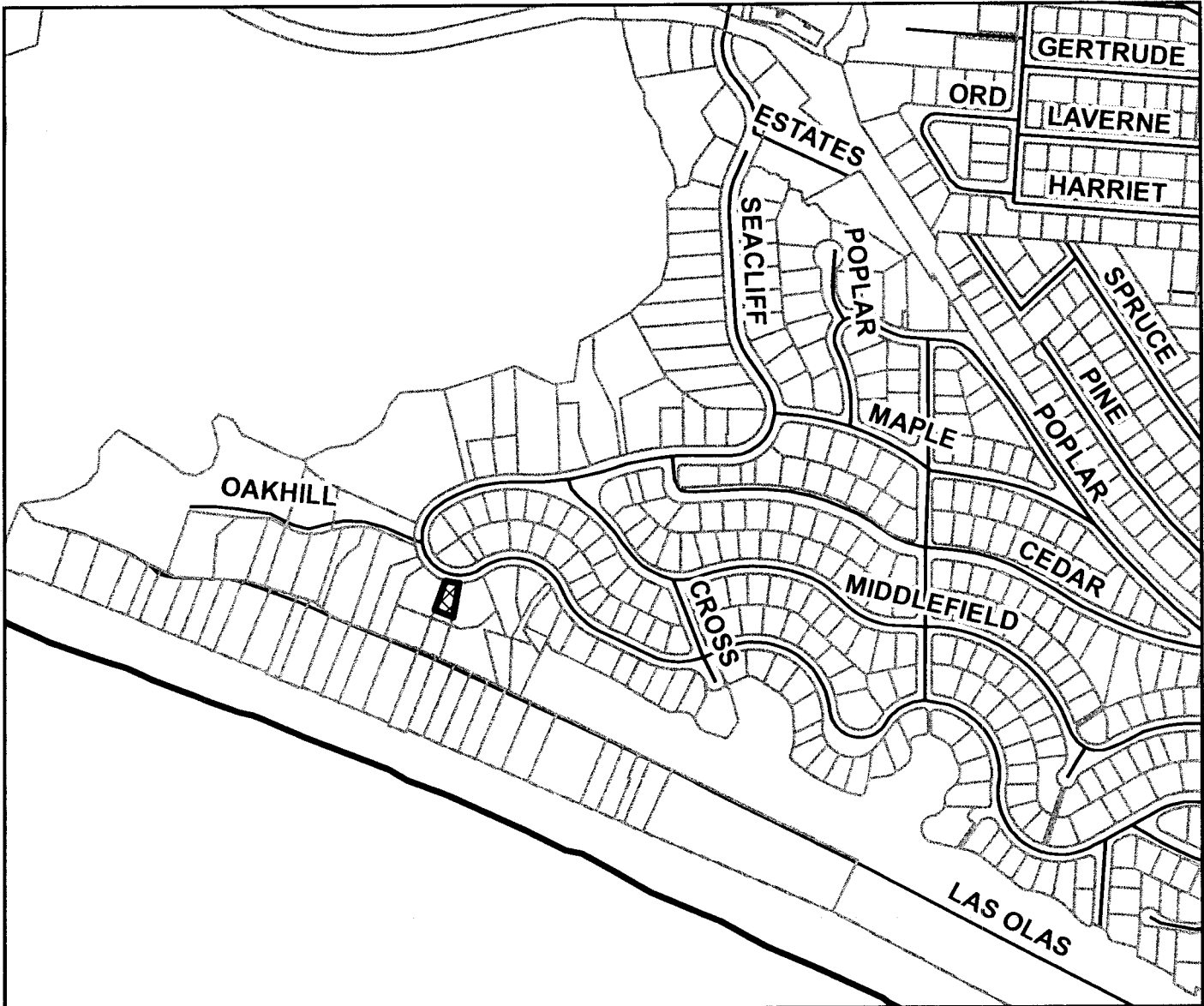
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County of Santa Cruz, Calif.  
Nov., 1997

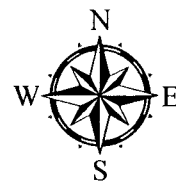


# Location Map



## LEGEND

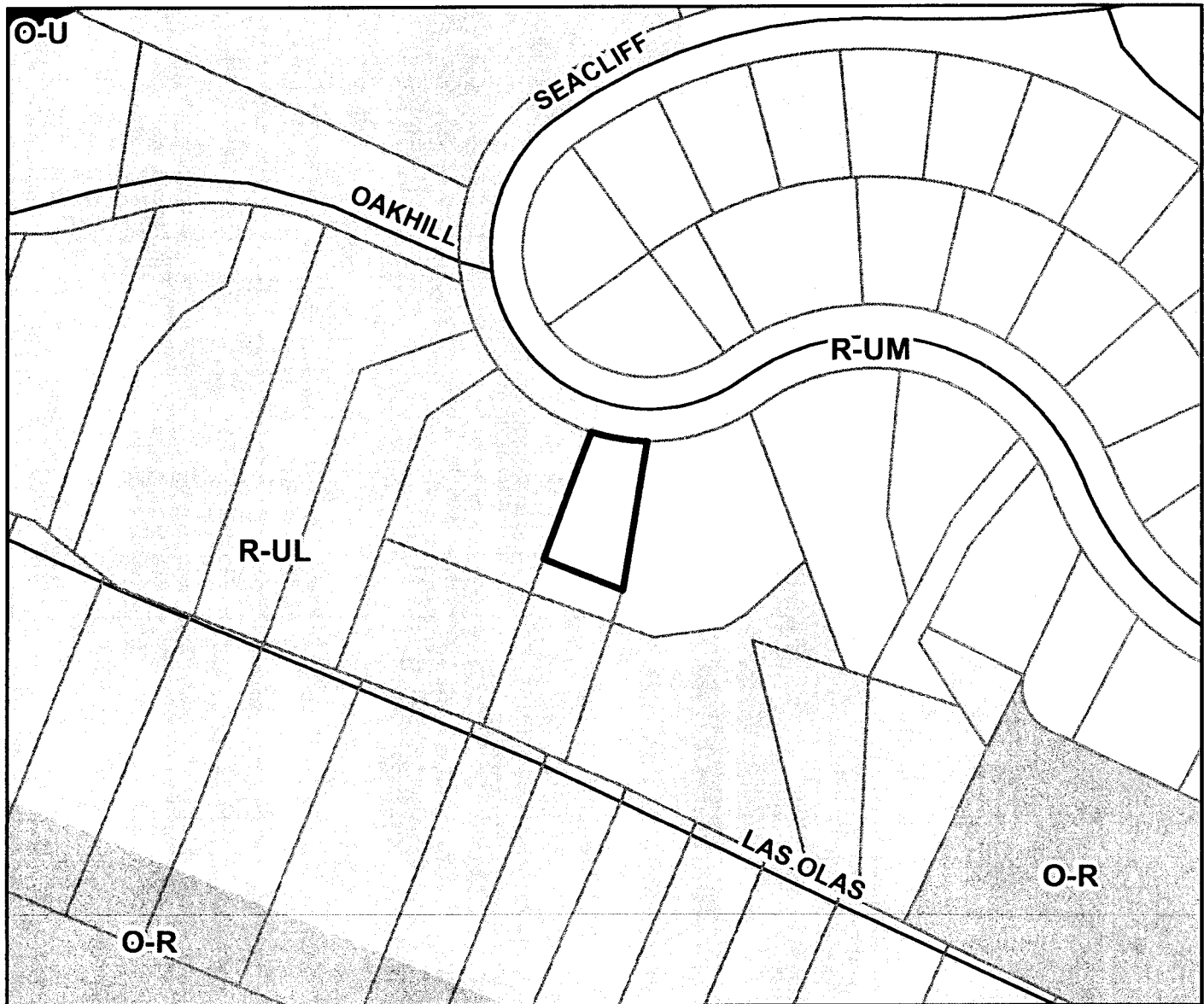
-  APN: 038-151-12
-  Assessors Parcels
-  Streets
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
April 2010



# General Plan Designation Map



## LEGEND



APN: 038-151-12



Assessors Parcels



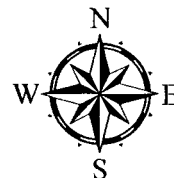
Streets

Residential - Urban Medium Density

Residential - Urban Low Density



Parks and Recreation

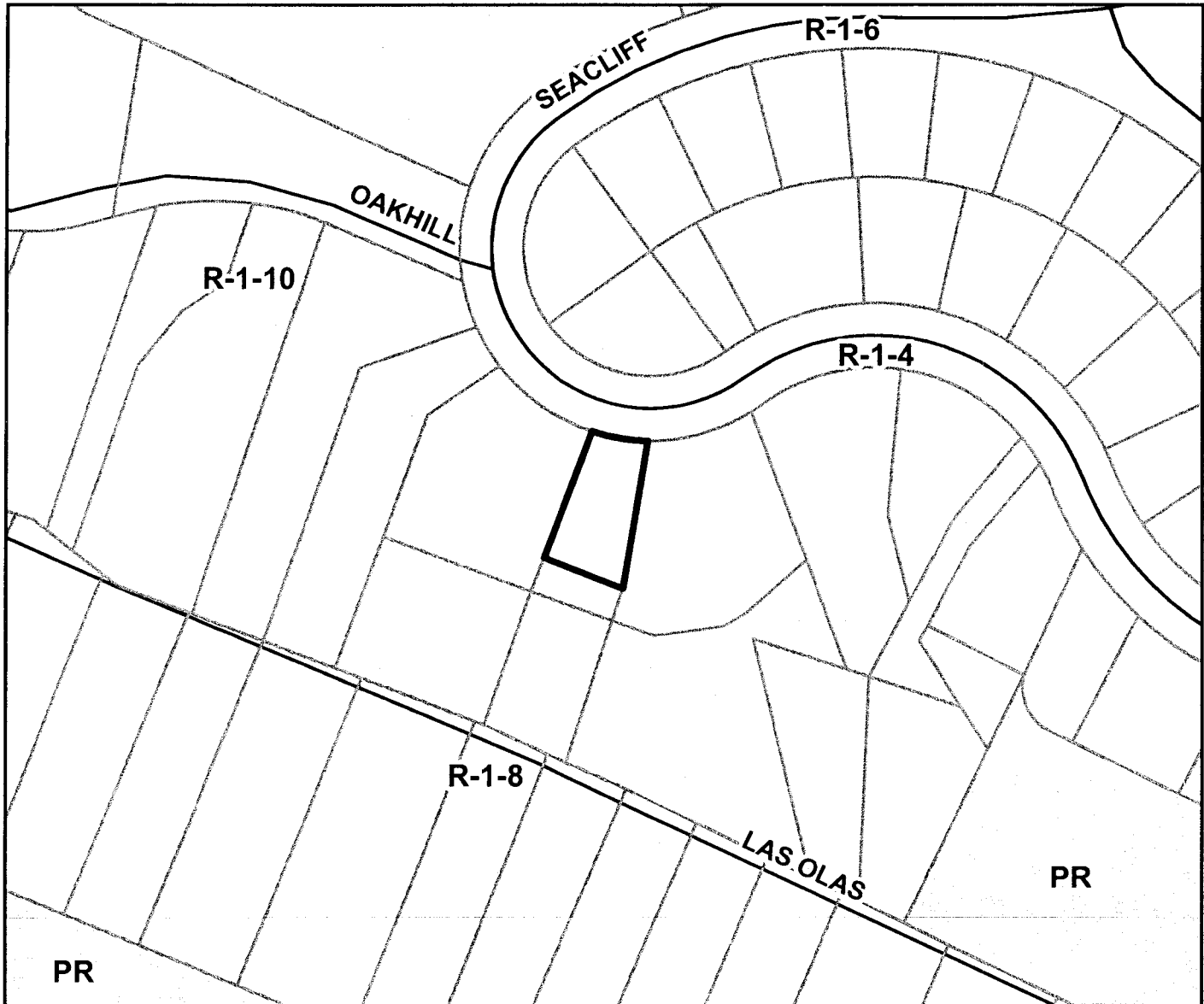


Map Created by  
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April 2010





# Zoning Map



## LEGEND



APN: 038-151-12



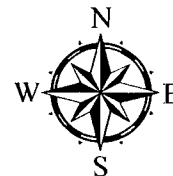
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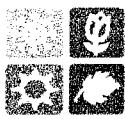
Streets

RESIDENTIAL-SINGLE FAMILY

PARK



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April 2010

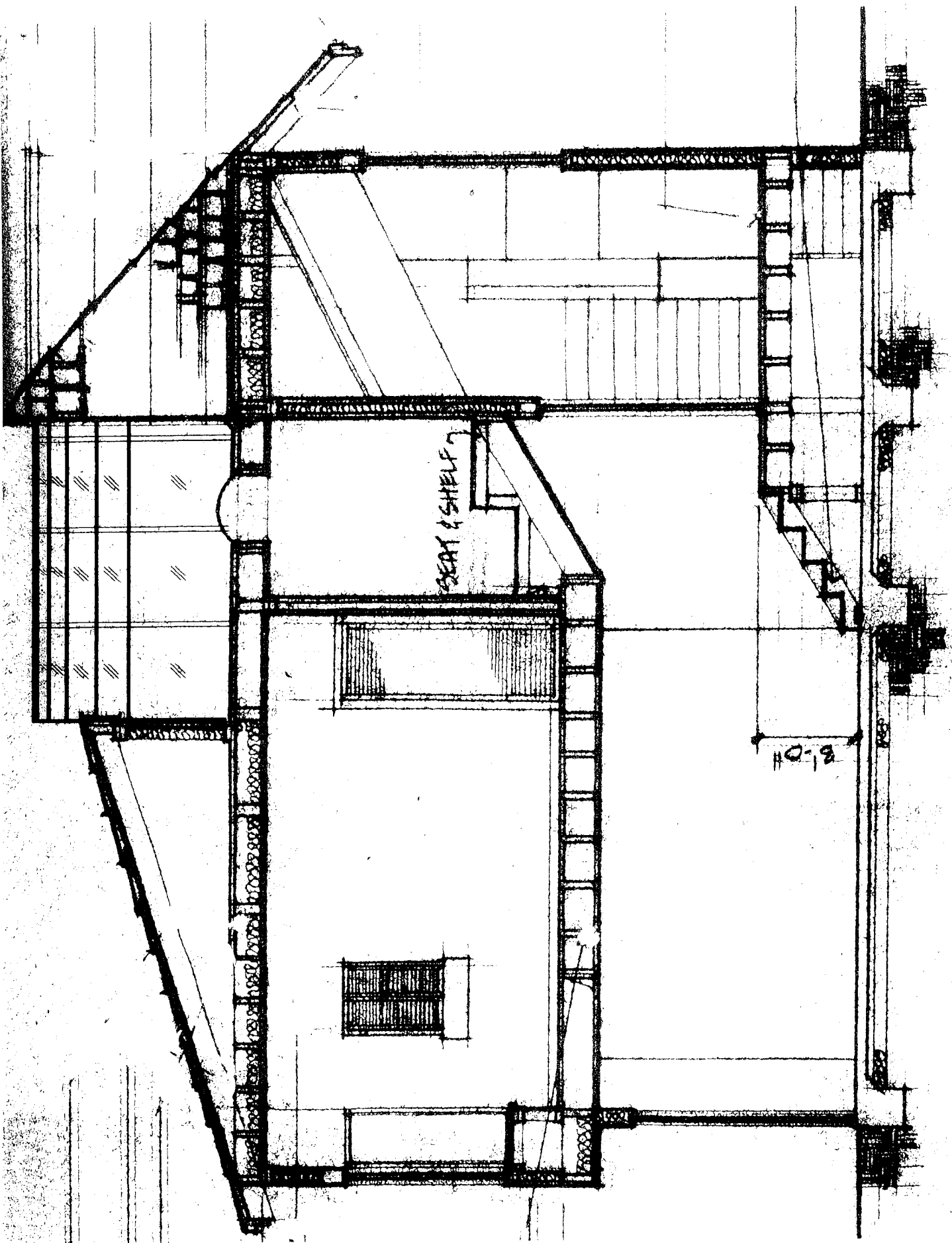


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Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

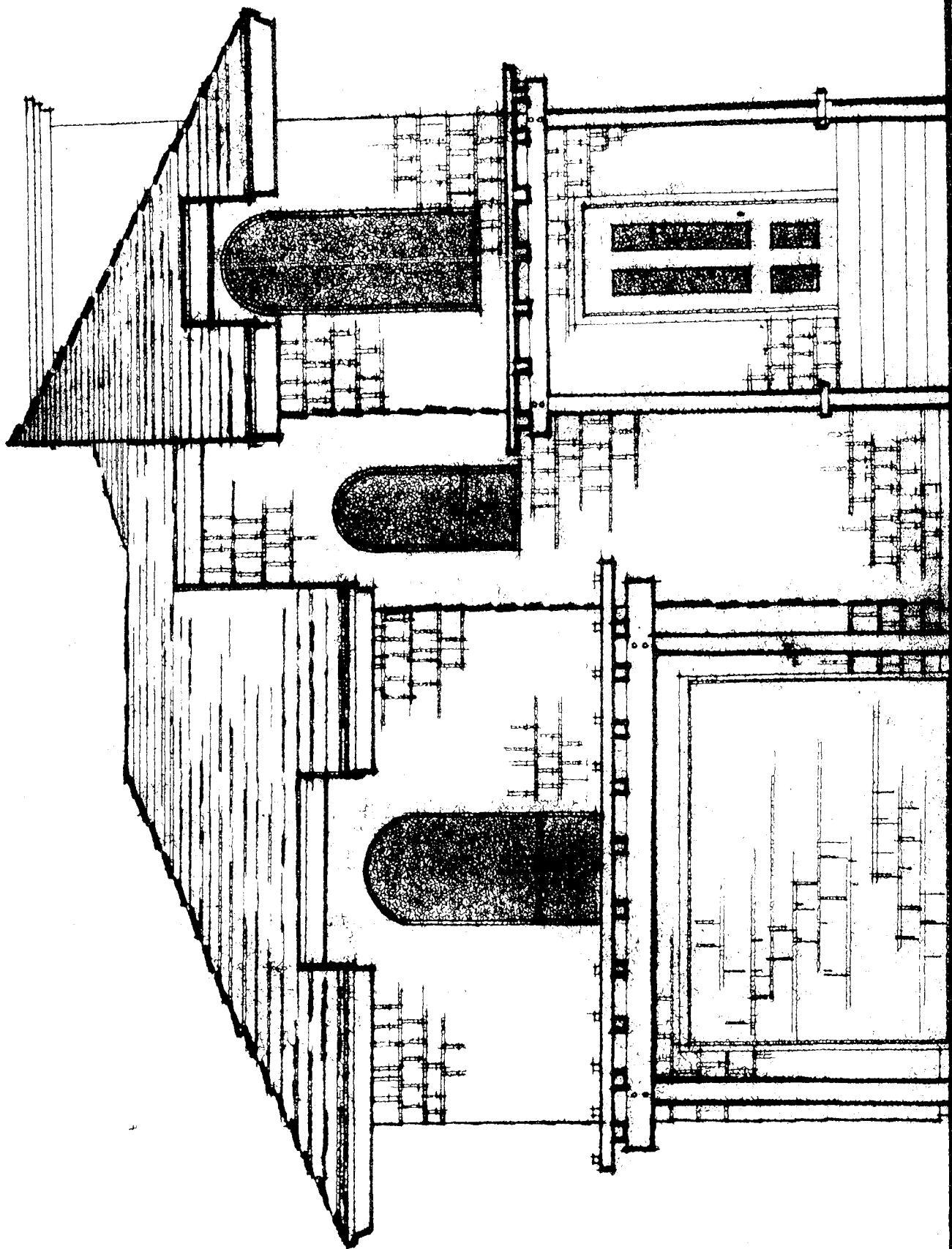
RE: Solar Attic Extension for Thermal Gain and Passive Solar System Application for a Coastal Permit for the Martin Residence, 733 Seacliff Drive, Aptos

1. Our house has a special circumstance in that it currently suffers from a lack of energy efficiency and air circulation. To correct this, we wanted to install solar energy panels for our residence. Although we had two bids to add photovoltaic panels to our south roof, we were unable to install the panels. One of the companies took measurements but never submitted a formal bid because they said the available roof space was too limited to make the installation worthwhile. The other company submitted a bid but did not follow up, also due to lack of roof space. We then decided we could use our existing roof patio area to build a solar attic extension in which we could install a ventilation system that will distribute warm air collected from the interior of the Solar Attic Extension into the Living Room, Dining Room and Kitchen areas below, which is the coldest part of the house in the winter. The ventilation fans will circulate heated air through the extension and into the home maximizing our energy efficiency.
2. It is important to note that we are not going higher than the existing roofline and the new structure will hardly be visible from the front of the house, since it will be set back and blocked by the existing home roof line. From the highest point, the ridge of the extension will slope down to 7'-2" on one end and 7'-6" from the bottom of the roof framing at the high point of the ridge. The project is a simple extension that will not violate the intent of the zoning on the parcel, or be a detriment to public health, safety, welfare or to other properties in the neighborhood.
3. Because several other homes in the vicinity already have similar attic extensions, this project would not grant a special privilege to our home. In fact, it would be entirely in keeping with the character of the neighborhood. Also, since our lot is considerably smaller than surrounding ones, we have the extra burden of a more restrictive FAR.

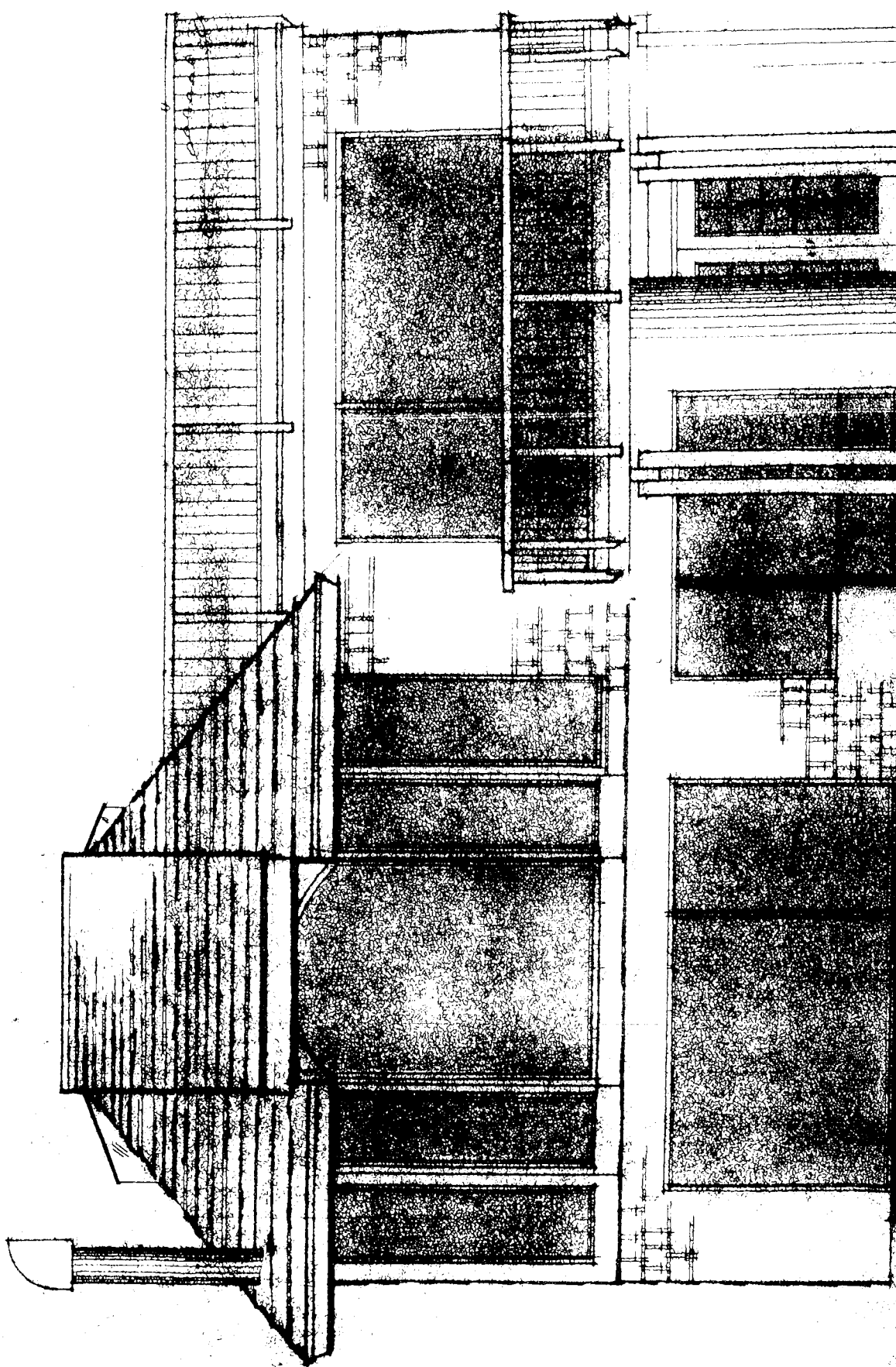
John & Jeanell Martin  
Homeowners



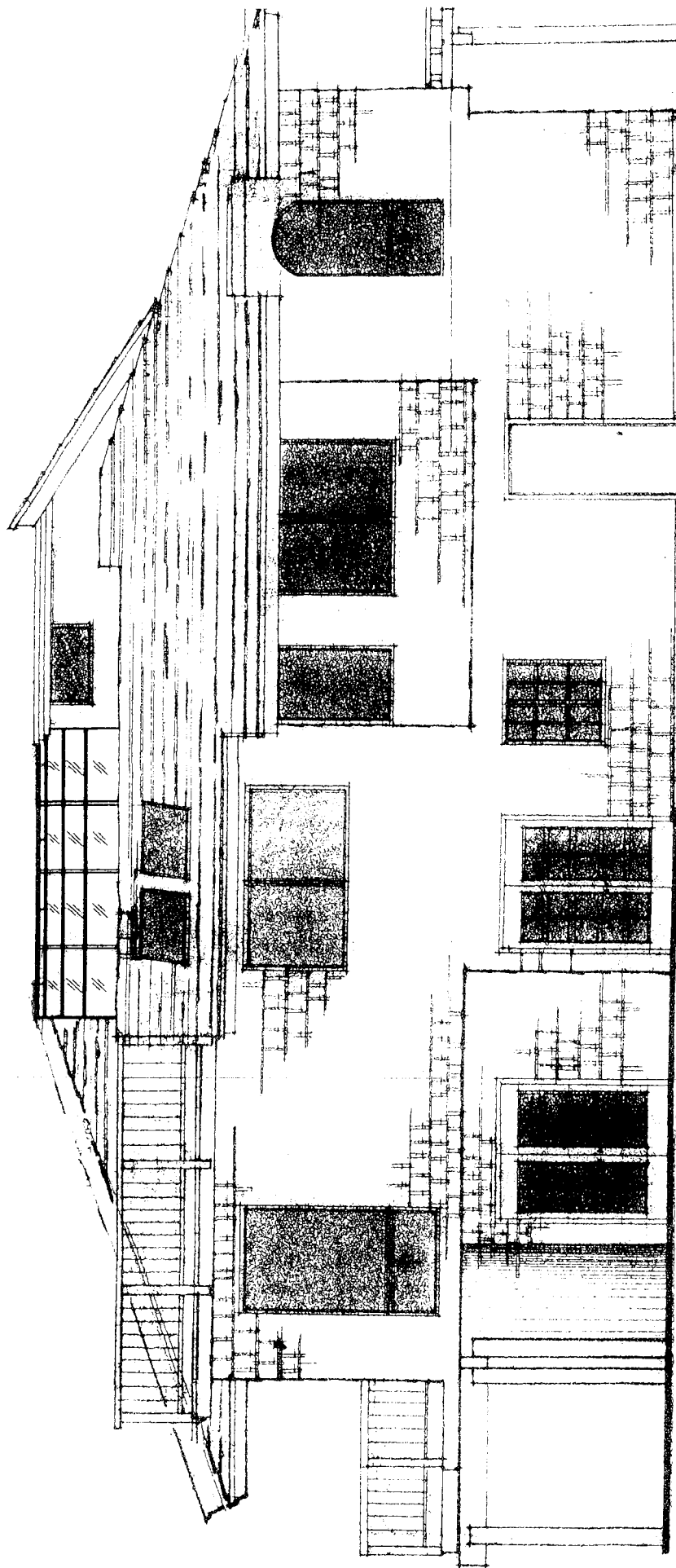
Cross Section



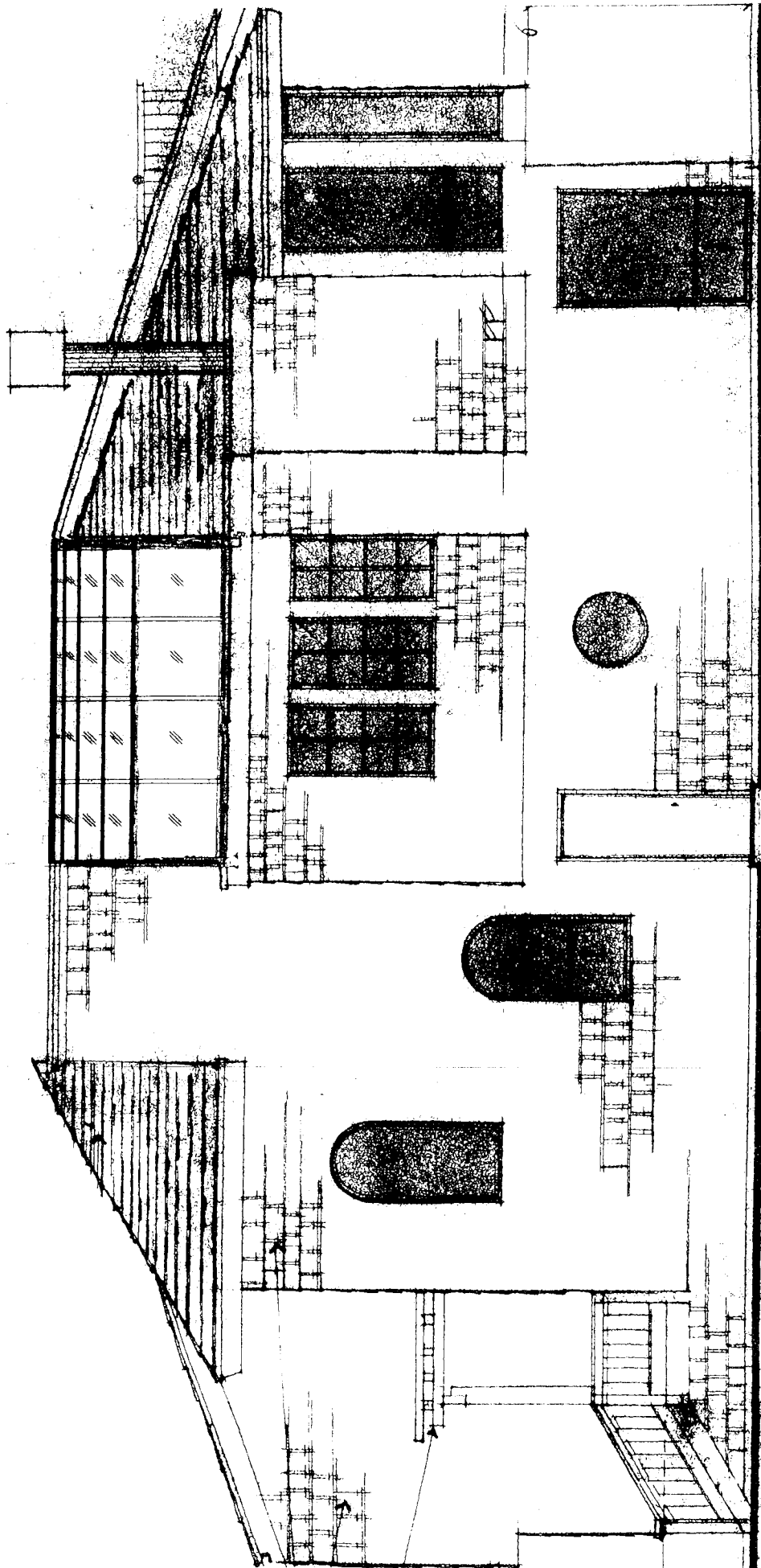
FRONT ELEVATION  
EAST



REAR ELEVATION



SIDE ELEVATION  
SOUTH



SIDE ELEVATION  
HALL

