



## Staff Report to the Zoning Administrator

Application Number: **121021**

**Applicant:** Heidi Anderson Spicer, Architect  
**Owner:** Donald Lewis  
**APN:** 027-132-07

**Agenda Date:** June 15, 2012  
**Agenda Item #:** 2  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to reconfigure an existing nonconforming two unit dwelling group and to eliminate the significantly nonconforming commercial use on site by expanding Unit 1 into the area currently occupied by Unit 2 and relocating Unit 2 into an existing vacant commercial building. The project includes interior remodeling as well as door and window changes that require minor structural alterations to the existing significantly nonconforming structures but no physical additions. Requires an Amendment to Residential, Coastal and Commercial Development Permit and Variance 07-0066.

**Location:** Property located on the north side of Bonnie Street (625 Bonnie Street) at the corner with 7th Avenue (201 7th Avenue).

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Amendment to Variance, Residential, Commercial and Coastal Development Permit 07-0066

**Technical Reviews:** None

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 121021, based on the attached findings and conditions.

**Exhibits**

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

### Parcel Information

Parcel Size: 4,795 square feet (per original survey)  
Existing Land Use - Parcel: Nonconforming two unit dwelling group (3 bedroom SFD and studio unit) and a vacant commercial building  
Existing Land Use - Surrounding: Residential and commercial  
Project Access: Bonnie Street, 7<sup>th</sup> Avenue and Assembly Avenue.  
Planning Area: Live Oak  
Land Use Designation: R-UH (Urban High Residential)  
Zone District: R-1-3.5 (Single-Family Residential)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☒ Yes ☐ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Not applicable no new construction  
Fire Hazard: Not a mapped constraint  
Slopes: Parcel is flat  
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, no change to existing patterns  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

Around 1929 a dwelling and a garage with a studio apartment at the second floor were constructed on the property. Then, around 1951 a separate commercial building was constructed on the parcel allowing a hair salon, that had previously been operating within the dwelling, to relocate. The hair salon remained in business at this location until around 2005. Up until this time, the only permits on record for the parcel included Building Permit #8415, issued for a sign for the beauty shop, and Building Permit #133775 issued in 2003 to re-roof the commercial structure.

In 2006 and again in 2007, complaints were received regarding unpermitted construction activities on the parcel and also for the unauthorized conversion of the main dwelling into additional dwelling units. In order to rectify these violations, application 07-0066 was submitted to recognize alterations to the nonconforming dwelling group, to allow for alterations to the significantly nonconforming structures, and also to change the use of the significantly

nonconforming commercial building from a hair salon to a commercial bakery. The approved changes to the dwelling group included a small addition, along with interior and exterior remodeling, at the main dwelling, the elimination of the garage and the relocation and reconstruction of the nonconforming apartment as a single story structure attached to the main unit.

Following approval of 07-0066, two building permit applications were received, 68627M for the addition and remodel of the dwelling group and 67727T for tenant improvements to convert the commercial building to a bakery. Building Permit #152968 was subsequently issued for the changes to the dwelling group, receiving final inspection clearance in 2011, but the application for tenant improvements to the commercial structure went void, no permit was issued, and the bakery use was never established.

Since that time the commercial structure has remained unchanged and is still vacant. In October of 2011 a Stop Work order was issued for interior remodeling to this structure without permits. The dwelling group externally remains as approved by 07-0066 but, as a result of the filing of this application, it was discovered that the main house had again been divided and rented separately to two different tenants, although there appears to have not been any physical change to the structure and no additional kitchen was added. Subsequently, an inspection was done by Code Compliance staff to verify that no unpermitted features had been added at the main dwelling, to confirm that the structure has reverted to a single-family dwelling, and also to verify that no unauthorized remodeling was done to the commercial building. As a result, the Code Compliance case on the property has now been resolved.

### **Project Setting**

The project site is located on the west side of 7<sup>th</sup> Avenue, in an area that is made up of a mixture of commercial and residential uses. Commercial uses are found to the east and southeast of the subject parcel and a commercial parking lot is located directly to the south. Residential uses are located north and west of the project site, also within the R-1-3.5 zone district. Many of the homes on the residentially zoned parcels are non-conforming with respect to site standards as they were constructed prior to permit requirements. Additionally many of the parcels also contain multi-family structures or non-conforming dwelling groups that are inconsistent with the R-1-3.5 zone district, given the small size of the parcels.

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

The subject property is a parcel of approximately 4,573.8 square feet, located in the R-1-3.5 (Single-Family Residential) zone district, a designation that would allow only one single-family dwelling on a parcel of this size. Since the original two-unit dwelling group was constructed prior to the adoption of zoning and building regulations in the County, the two dwellings on the parcel are considered to be legal nonconforming. Therefore, as required by County Code section 13.10.261, Table 3, the previous structural alterations and reconstruction of the two units required the approval of a Residential Development Permit.

The proposed changes to the dwelling group with this application include transferring the 243 square foot studio (one bedroom) unit into the vacant commercial building and extending that use throughout the building to result in a 1,186 square foot one bedroom unit and then opening the original apartment to the main dwelling as a new bedroom addition. In addition, the main

dwelling will be remodeled to eliminate one bedroom so that this unit will be maintained as a three bedroom dwelling. Per County Code section 13.10.261 (Table 3) the nonconforming use may be extended throughout the existing building so long as there is no intensification of the use on site. The proposed project will not intensify the residential use of the property since no additional bedrooms will be created and, in addition, the project will result in an overall de-intensification of the use of the parcel by the elimination of the significantly nonconforming commercial use.

Both of the structures on the parcel are nonconforming as to site standards, which require a 15 foot setback to Bonnie Street, 10 foot setbacks to 7<sup>th</sup> Avenue and Assembly Lane and a 5 foot setback to the northern property line. Further, both of the structures are considered to be significantly nonconforming per code section 13.10.265 in that the main structure is located within five feet of another structure located on the parcel to the north and also within five feet of Bonnie Street, and the existing commercial building is located within 5 feet of both Bonnie Street and 7<sup>th</sup> Avenue. Because the structures are significantly nonconforming, per County Code section 13.10.265(j), any structural alteration requires approval by the Zoning Administrator. Application 07-0066 approved some structural alterations to the main dwelling and also approved a Variance for structural modifications to portions of the north wall and also for the relocation of the studio apartment. However, since the Variance approval only recognized the location of the reconstructed studio apartment and those nonconforming portions of the walls that were proposed to be altered, and did not include all portions of the structures that were within five feet of a right-of-way, both structures are still significantly nonconforming.

In order to convert the commercial structure into a residential structure and also to remodel the existing dwelling and apartment into one unit, minor structural and non-structural changes are required to both buildings. The proposed structural changes include the removal of portions of interior bearing walls to allow for direct interior access between different portions of the structures and one new window is also proposed in the existing commercial building for the new kitchen. These proposed structural alterations to the buildings will not increase the overall nonconformity of the structures and since no structural changes are required to any nonconforming sections of the walls, no additional Variance approval is required. The non-structural changes include the installation of new windows within two existing exterior doorway openings and also window changes including the reduction in size of existing glazing, within the existing openings.

The structures will continue to be significantly nonconforming and the modified two unit dwelling group will still be nonconforming to the density requirements of the R-1-3.5 zone district. However, by the elimination of the commercial use, the project will result in greater conformance with the residential zoning on the parcel than currently exists. The zoning is consistent with the site's R-UH (Urban High Residential) General Plan designation.

### **Local Coastal Program Consistency**

The proposed project, that results in a two unit dwelling group, is in conformance with the County's certified Local Coastal Program with respect to design, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. It is however inconsistent with the Zoning and General Plan designations and therefore is not considered a principal permitted use within the Coastal Zone and is subject to appeal to the Coastal Commission. 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 two unit dwelling group complies with the requirements of the County Design Review Ordinance in that, other than the conversion of two external access doors to new windows, the addition of one new window facing the parking court at the rear of 201 7<sup>th</sup> Avenue and some window changes, including the reduction in size of existing glazing, within the existing openings, the proposed project will not materially change the design, scale or overall character of the existing structures.

### **Environmental Review**

Environmental Review has not been required for the proposed project since, as proposed, the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 15303: New Construction or Conversion of Small Structures in that the conversion of the commercial building to a residential use and the extension of the main dwelling on the property into the existing apartment, has no potential to cause environmental impact due to the limited scale of the project and only minor changes are proposed to either the existing structures. No new structures are to be constructed.

### **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.

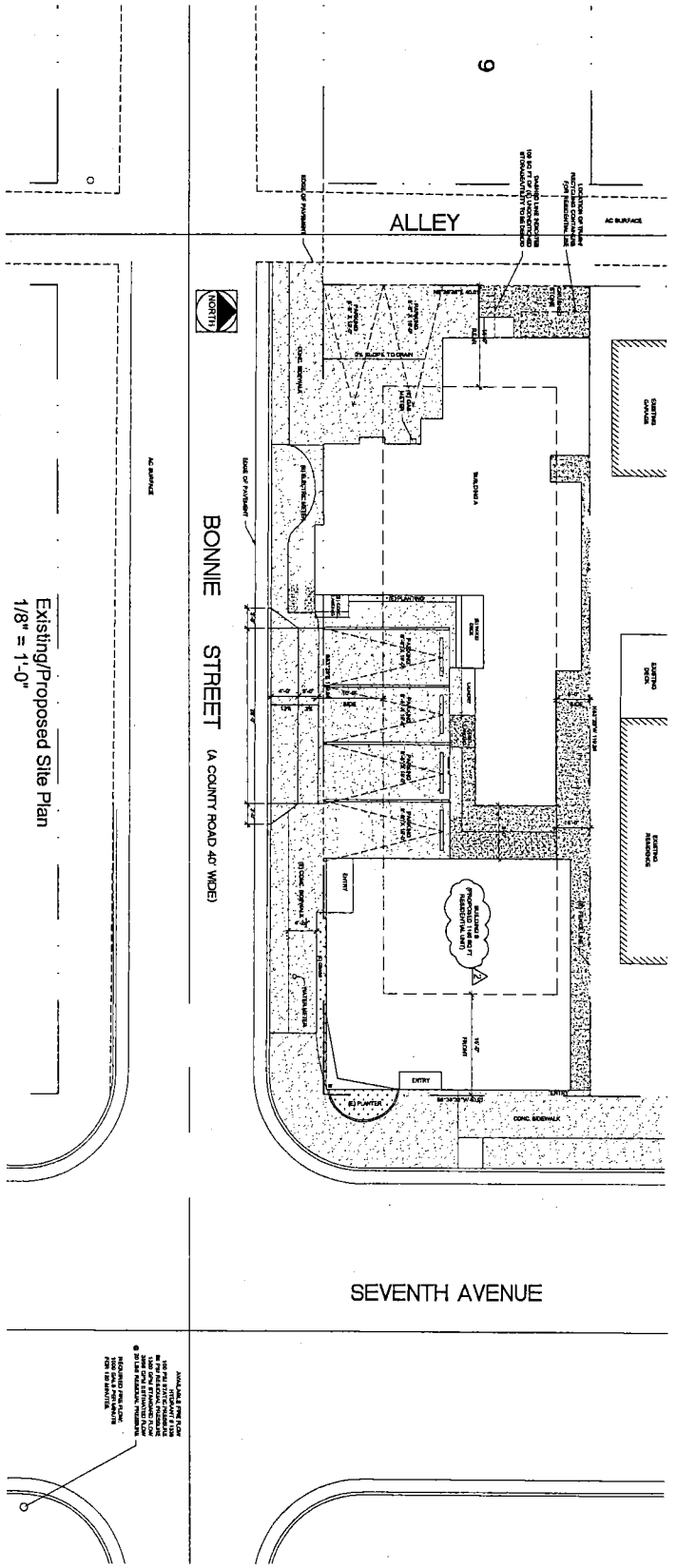
### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **121021**, based on the attached findings and conditions.

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

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

Report Prepared By: Lezanne Jeffs  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-2480  
E-mail: [lezanne.jeffs@co.santa-cruz.ca.us](mailto:lezanne.jeffs@co.santa-cruz.ca.us)



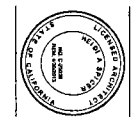
Existing/Proposed Site Plan  
1/8" = 1'-0"

| AREA CALCULATIONS                  |           | PROJECT DATA |   |
|------------------------------------|-----------|--------------|---|
| LOT AREA                           | 418 SQ FT | APN          | 027 132 07                              |
| EXISTING FLOOR AREA CALCULATIONS   |           | OWNER        | LEWIS RESIDENCE                         |
| BUILDING A - UNCONDITIONED         | 188 SQ FT | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING B - UNCONDITIONED         | 118 SQ FT | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING C - UNCONDITIONED         | 118 SQ FT | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| TOTAL EXISTING FLOOR AREA          | 424 SQ FT | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| EXISTING FLOOR AREA W/INTO         | 424 SQ FT | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| EXISTING LOT COVERAGE CALCULATIONS |           | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING A - UNCONDITIONED         | 45.2%     | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING B - UNCONDITIONED         | 28.2%     | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING C - UNCONDITIONED         | 28.2%     | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| TOTAL EXISTING LOT COVERAGE        | 101.6%    | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| EXISTING FLOOR AREA W/INTO         | 101.6%    | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
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| BUILDING B - UNCONDITIONED         | 28.2%     | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
| BUILDING C - UNCONDITIONED         | 28.2%     | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |
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| EXISTING FLOOR AREA W/INTO         | 101.6%    | PROJECT SITE | 625 BONNIE STREET, SANTA CRUZ, CA 95062 |

C/Site

Cover - Project Data  
Site Plan - 1/8"=1'-0"

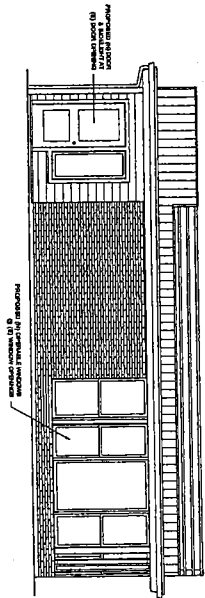
Lewis Residence  
625 Bonnie Street  
Santa Cruz, CA 95062  
APN 027 132 07



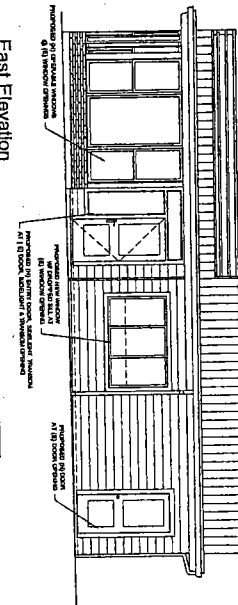
ANDERSON  
SPICER  
ARCHITECTS

DATE: 10/12/2010  
PROJECT: 10000  
SHEET: 10000

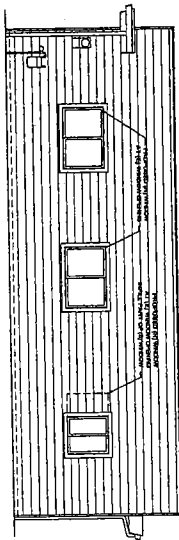
EXHIBIT A



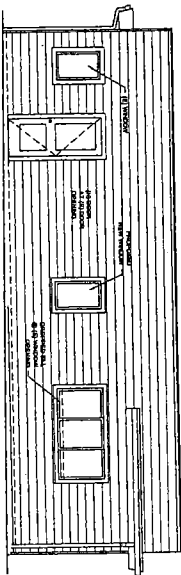
West Elevation  
Scale: 1/4" = 1'-0"



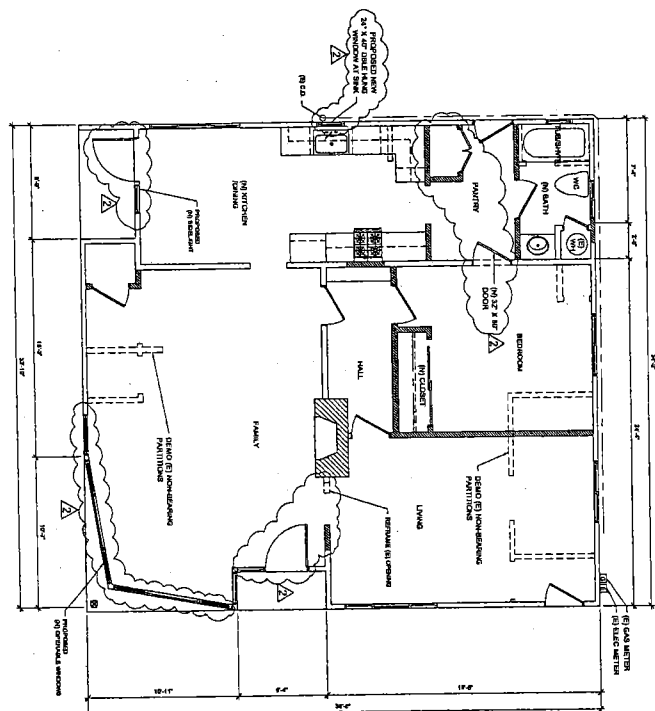
**East Elevation**  
**Scale: 1/4" = 1'-0"**



North Elevation  
Scale: 1/4" = 1'-0"

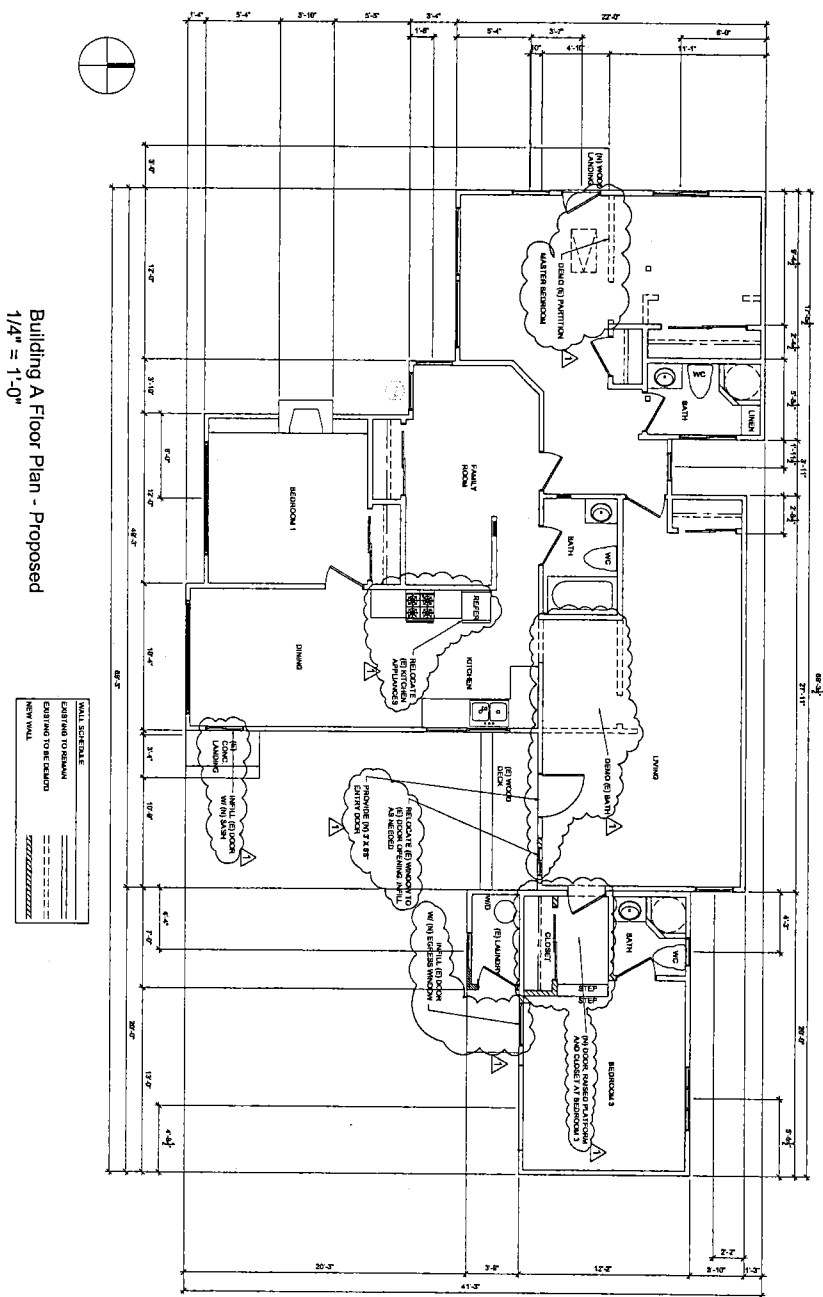


West Elevation  
Scale: 1/4" = 1'-0"

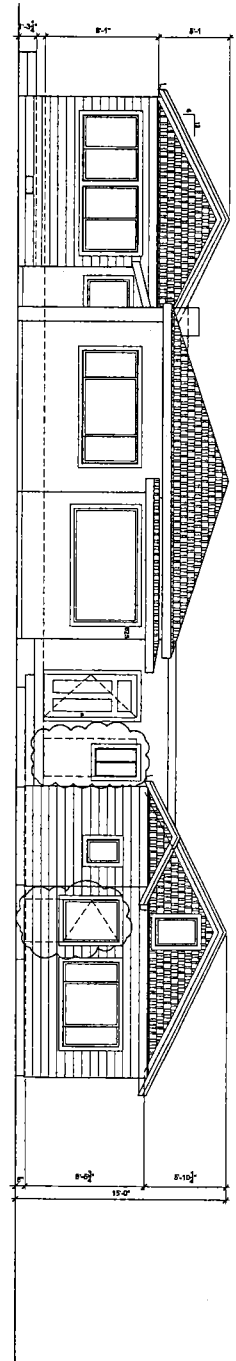


Floor Plan - Building B  
Scale: 1/4" = 1'-0"

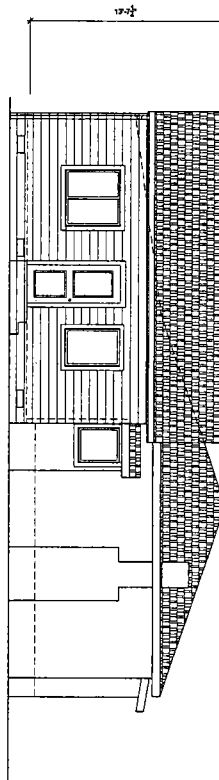
| WALL SCHEDULE         |       |
|-----------------------|-------|
| EXISTING TO REMAIN    | ===== |
| EXISTING TO BE DEMO'D | ===== |
| NEW WALL              |       |



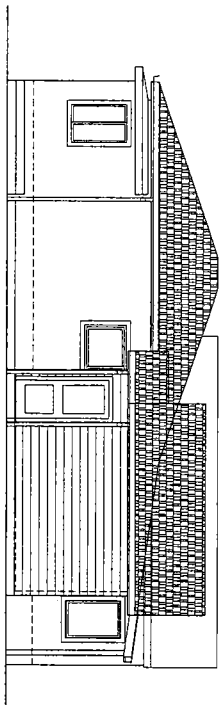




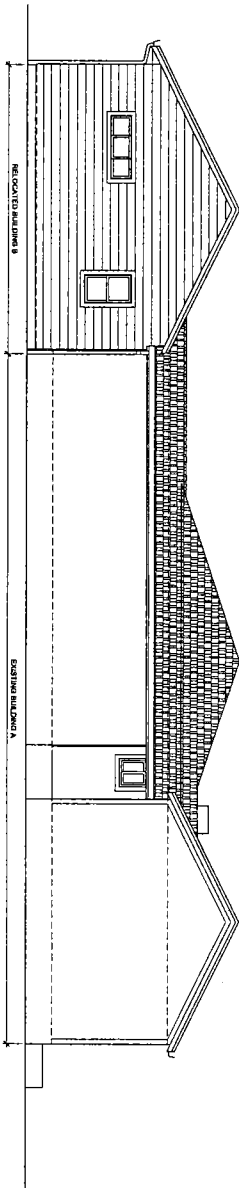
West Elevation  
Scale: 1/4" = 1'-0"



West Elevation  
Scale: 1/4" = 1'-0"



West Elevation  
Scale: 1/4" = 1'-0"



West Elevation  
Scale: 1/4" = 1'-0"

A3

Building A - As Built  
Exterior Elevations  
scale: 1/4" = 1'-0"

Lewis Residence  
625 Bonnie Street  
Santa Cruz, CA 95062  
APN 027 132 07



Anderson Spicer Architects, Inc.  
2000 Mission College  
Santa Cruz, CA 95060  
Tel: 408/426-1000  
Fax: 408/426-1001  
www.asa.com

ANDERSON  
SPICER  
ARCHITECTS

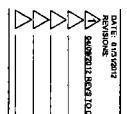


EXHIBIT A

## **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 existing two unit dwelling group is a legal nonconforming use on the property. While the dwelling group would not be allowed today, two units have existed on the parcel for many years and this use pre-dates the Zoning Ordinance and General Plan and so is allowed to continue subject to limits on expansion, reconstruction and intensification. Further, no major structural changes are proposed to the buildings on the parcel and the proposal will eliminate the significantly nonconforming commercial use, resulting in a de-intensification of the use of the parcel. Because the reconfigured two unit dwelling group is not consistent with the Zoning and General Plan designations they are not considered to be a principal permitted use within the Coastal Zone and any approval is subject to appeal to the Coastal Commission.

- 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 as 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 and is in conformance with the County's certified Local Coastal Program with respect to design, in that no major changes are proposed to the existing structures. The site is surrounded by lots developed to a similar density and the structures will continue to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. 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 and is not identified as a priority acquisition site in the County Local Coastal Program. Consequently, the two unit dwelling group will not interfere with public access to the beach, ocean, or any nearby body of water.

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

This finding can be made as the reconfigured two unit dwelling group is a legal nonconforming use on the parcel and also because the significantly nonconforming commercial use will be eliminated. While the dwelling group would not be allowed today, the structures and the dwelling group use pre-dates the Zoning Ordinance and General Plan and are allowed to continue, subject to limits on expansion, reconstruction and intensification. Because the reconfigured two unit dwelling group is not consistent with the Zoning and General Plan designations they are not considered to be a principal permitted use within the Coastal Zone and any approval is subject to appeal to the Coastal Commission. Developed parcels on similar residentially zoned parcels to the north and west contain both single-family and multi-family dwellings as well as dwelling groups. 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 the reconfigured two unit dwelling group is a nonconforming but legal, as the use was established prior to the requirement for permits. No additions are proposed to the existing structures. The proposed project will not exacerbate existing structural nonconformities and the proposed modifications will allow for the use of the now vacant commercial building and also enlarge and improve the functionality of the main dwelling on the site. The proposed remodeling will establish interior access between rooms in both units, eliminate unnecessary exterior access doors, add one window and modify existing window openings to be consistent with the residential use. The project will also allow for the deletion of the requirement for accessible parking, since the commercial use will be eliminated from the property, and provide one additional parking space.

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 reconfiguration of the two unit dwelling group will be within the existing structures on the parcel and no additions are proposed. Therefore the reconfigured dwelling group and deletion of the commercial use on the parcel will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed project will not change the existing nonconformity to 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 two unit dwelling group was constructed prior to the adoption of zoning and building regulations in the County, and the existing dwellings are therefore legal nonconforming uses. County Code section 13.10.261, Table 3, allows for the expansion of the nonconforming use throughout the building so long as there is no intensification of the use, that is, no addition of bedrooms. The proposed project would relocate the studio apartment, which has one bedroom, into the vacant commercial building on the parcel and extend the use throughout that building to result in a one bedroom unit and then extend the main unit into the area formerly occupied by the studio apartment. In addition, the main unit will be remodeled to delete one of the existing bedrooms to result in a three bedroom dwelling. Further, the extension of the residential use throughout the buildings on the parcel will eliminate the significantly nonconforming commercial use on the parcel and therefore the project will result in an overall de-intensification of the use of the parcel.

In addition, both of the structures are significantly nonconforming to as to site standards for the zone district. The main dwelling is located within five feet of another structure on another

property to the north and within five feet of an existing right of way to the south and the existing commercial building that is to be converted to a residential structure, is within five feet of a right of way to the east and south. As set out in County Code section 13.10.265(j) development permit approval is required for any structural changes to a significantly nonconforming structure. The proposed project includes only minor structural alterations for the removal of portions of interior bearing walls to allow for direct interior access between different portions of the structure and one new window in the existing commercial building (201 7<sup>th</sup> Avenue) that is to be converted to a residential use. No structural changes are required to any nonconforming sections of the walls therefore no additional Variance is required and the proposed installation of new windows within exterior doorway openings and proposed window changes, including the reduction in size of existing glazing within the existing openings, are not structural changes.

**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 two unit dwelling group is a legal nonconforming use that was established prior to permit requirements. Changes to the original structures were approved by 07-0066. The proposed modification of the dwelling group is consistent with the Housing Element of the County's General Plan, specifically Objectives 3.4 (rehabilitation and maintenance of existing housing stock) and Objective 3.7 (preservation of existing rental units) and also consistent with Objective 8.4, (To preserve the residential use and character of existing urban neighborhoods), specifically Policies 8.4.2 and 8.4.3 (Retaining Existing Housing).

The two structures on the property were originally constructed prior to the establishment of site standards. The remodeling and reconstruction approved by 07-0066, included a Residential Development Permit and associated Variances, which ensured that the changes would not adversely impact light, solar opportunities, air, and/or open space available to other structures or properties in the area, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The proposed additional modifications to the dwelling group to relocate the apartment into the vacant commercial building and extend the main dwelling into the area currently occupied by the apartment will not change the size or location of the existing structures.

The existing structures on the parcel are not 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 there will be no change to the physical dimensions of the existing structures and proposed changes to existing window and door openings and one additional window are designed to be visually compatible, in scale with and to integrated with the character of the surrounding neighborhood. Many of the homes on the surrounding residentially zoned properties are nonconforming with respect to site standards, as they were also constructed prior to permit requirements. Additionally, many of the parcels also contain multi-family structures or nonconforming dwelling groups that are inconsistent with the R-1-3.5 zone district, given the small size of the parcels.

The proposed project is consistent with General Plan Policy 2.18.3 (Phase out Non-Conforming Commercial Uses) in that the proposed project will eliminate the significantly nonconforming commercial use and bring the property into greater conformance with the Residential Zoning and General Plan designations for the parcel.

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 extension of the use of the two unit dwelling group throughout the buildings on the site will not intensify the residential use of the parcel in that no additional bedrooms are proposed. The existing studio apartment (one bedroom) will be relocated into the existing vacant commercial building and extended to become a one bedroom unit and the main unit will be extended into the area currently occupied by the studio apartment, and also remodeled to delete one of the existing bedrooms. Further, the significantly nonconforming commercial use on the parcel will be eliminated. Therefore the expected level of traffic generated by the proposed project is anticipated to decrease and therefore 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 changes are designed to be visually compatible, in scale with and integrated into the character of the surrounding neighborhood. The property is located in a mixed neighborhood containing a variety of architectural styles, and many of the homes on the surrounding residentially zoned properties are also nonconforming with respect to site standards. The modified two unit dwelling group is consistent with the land use intensity and density of the neighborhood in that many of the parcels also contain multi-residential structures and dwelling groups that are inconsistent with the R-1-3.5 zone district, given the small size of the parcels.

**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 modification of the main dwelling on the parcel, along with the extension of the residential use into the vacant commercial building, will not change the scale or basic design of the existing structures. The proposed minor alterations to the exterior of the buildings will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area.

## **ADDITIONAL FINDINGS FOR SIGNIFICANTLY NONCONFORMING STRUCTURES**

- 7. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the surrounding area.**

This finding can be made in that the project is located in an area designated for residential uses and the two unit dwelling group was established on the property prior to the requirement for permits. Further, the significantly nonconforming commercial use will be eliminated and the currently vacant building will be converted to a residential use. The proposed project will not exacerbate existing structural nonconformities. The main dwelling will be extended into the attached studio apartment and remodeled to delete unnecessary exterior doorways, improve the interior circulation and to delete one bedroom and the commercial building will be converted to a residential structure including the construction of non-bearing partition walls, a new opening in an existing bearing wall, a new window and non-structural changes to the windows, including the reduction in size of existing glazing, within the existing openings. 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.

- 8. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or any Specific Plan which has been adopted for the area.**

This finding can be made in that the structures on the parcel, which are nonconforming to current site standards, were legally constructed prior to permit requirements and the nonconforming two unit dwelling group was established at the same time. Changes to the original structures were approved by 07-0066. The proposed modification of the dwelling group is consistent with the Housing Element of the County's General Plan, specifically Objectives 3.4 (rehabilitation and maintenance of existing housing stock) and Objective 3.7 (preservation of existing rental units) and also consistent with Objective 8.4, (To preserve the residential use and character of existing urban neighborhoods), specifically Policies 8.4.2 and 8.4.3 (Retaining Existing Housing).

The proposed project is consistent with General Plan Policy 2.18.3 (Phase out Non-Conforming Commercial Uses) in that the proposed project will eliminate the significantly nonconforming commercial use and bring the property into greater conformance with the Residential Zoning and General Plan designations for the parcel.

The two structures on the property were originally constructed prior to the establishment of site standards. The remodeling and reconstruction approved by 07-0066, included a Residential Development Permit and associated Variances, which ensured that the changes would not adversely impact light, solar opportunities, air, and/or open space available to other structures or properties in the area, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance). The proposed additional modifications to the dwelling group to relocate the apartment into the vacant commercial building and extend the main dwelling into the area currently occupied by the apartment will not change the size or location of the existing

structures.

The existing structures on the parcel are not 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 there will be no change to the physical dimensions of the existing structures and proposed changes to existing window and door openings and one additional window are designed to be visually compatible, in scale with and to integrated with the character of the surrounding neighborhood. Many of the homes on the surrounding residentially zoned properties are nonconforming with respect to site standards, as they were also constructed prior to permit requirements. Additionally, many of the parcels also contain multi-family structures or nonconforming dwelling groups that are inconsistent with the R-1-3.5 zone district, given the small size of the parcels.

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

- 9. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.**

This finding can be made, in that the proposed changes are designed to be visually compatible, in scale with and integrated into the character of the surrounding neighborhood. The property is located in a mixed neighborhood containing a variety of architectural styles, and many of the homes on the surrounding residentially zoned properties are also nonconforming with respect to site standards. The modified two unit dwelling group is consistent with the land use intensity and density of the neighborhood in that many of the parcels also contain multi-residential structures and dwelling groups that are inconsistent with the R-1-3.5 zone district, given the small size of the parcels.

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

This finding can be made in that the proposed project does not increase the nonconforming dimensions of the structures. Further, no structural alterations are required to any walls or portions of walls that are within the required setbacks for the parcel, and therefore no Variance Approval is required.



## Conditions of Approval

**Exhibit A:** Four sheets prepared by Heidi Anderson Spicer, dated January 12, 2012, as revised April 9, 2012 and May 3, 2012.

- I. This permit authorizes the reconfiguration of an existing two unit dwelling group including, relocation of an existing studio apartment into an existing vacant commercial building to become a 1,186 square foot one bedroom dwelling unit and the extension of the main unit into the area formerly occupied by a studio apartment, along with an interior remodel to delete one bedroom and improve the functionality of the dwelling. 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. One elevation shall indicate materials and colors as they were approved by Discretionary Application 07-0066. If the new residential unit (commercial building) is to be repainted or if siding is to be replaced the colors and materials shall match that of the existing residential structure.
    2. Details showing compliance with all fire requirements of the 2007 California Building Code, including fire resistive construction, if applicable.

3. Provide a structural modification plan that details the approved structural changes to the existing nonconforming buildings, including all interior modifications to bearing walls and the new window opening in the front unit. Required non structural modifications to window/door openings shall also be clearly denoted.
- 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 and pay any applicable plan check fee of the Central Fire Protection District.
- D. Provide required off-street parking for 6 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.
- E. 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 for the new residential unit.
- F. Complete and record the following documents:
  - a. A "Statement of Acknowledgement of Use which is Nonconforming to County Regulations" for the revised two unit dwelling group.
  - b. A Rescission of the Declaration of Restriction to Maintain a Structure as a Single Family Dwelling that was required as a Condition of Approval of 07-0066.
  - c. A revised Declaration of Restriction to Maintain a Structure as a Single Family Dwelling for the conforming (main) dwelling on the site. This structure shall not have more than one kitchen or food preparation facility, and **rooms within this structure shall not be rented separately as independent living units.**

**You may not alter the wording of these declarations.** 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.

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. If either of the two units is subsequently divided into more than one living space with areas rented separately as independent living units, with or without the addition of unpermitted kitchen or food preparation facilities, in order to rectify the violation a Building Permit will be required to undo all unpermitted work and, in addition, eliminate all but the one main entry door for each dwelling unit.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

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

Application #: 121021  
APN: 027-132-07  
Owner: Donald Lewis

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

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

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

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

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

\_\_\_\_\_  
Steven Guiney, AICP  
Deputy Zoning Administrator

\_\_\_\_\_  
Lezanne Jeffs  
Project Planner

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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: 121021

Assessor Parcel Number: 027-132-07

Project Location: 201 7th Avenue and 625 Bonnie Street

**Project Description:** Reconfigure an existing nonconforming two unit dwelling group and eliminate a significantly nonconforming commercial use on the property by expanding Unit 1 into the portion of the existing structure currently occupied by Unit 2 and relocating Unit 2 into the existing vacant commercial building.

**Person or Agency Proposing Project:** Heidi Anderson Spicer, Architect

**Contact Phone Number:** (831) 425 2020

- 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:**

Deletion of a significantly nonconforming commercial use, relocation of one unit of a two unit dwelling group into the former commercial structure and remodel of the existing residential unit from two units to one unit.

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

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

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

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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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09 POR. OF N.W. 1/4 SEC. 20,  
 T.11S, R.1W, M.D.B. & M.

Tax Area Code  
 82-040

27-13

10 TWIN LAKE PARK SUB. NO. 3  
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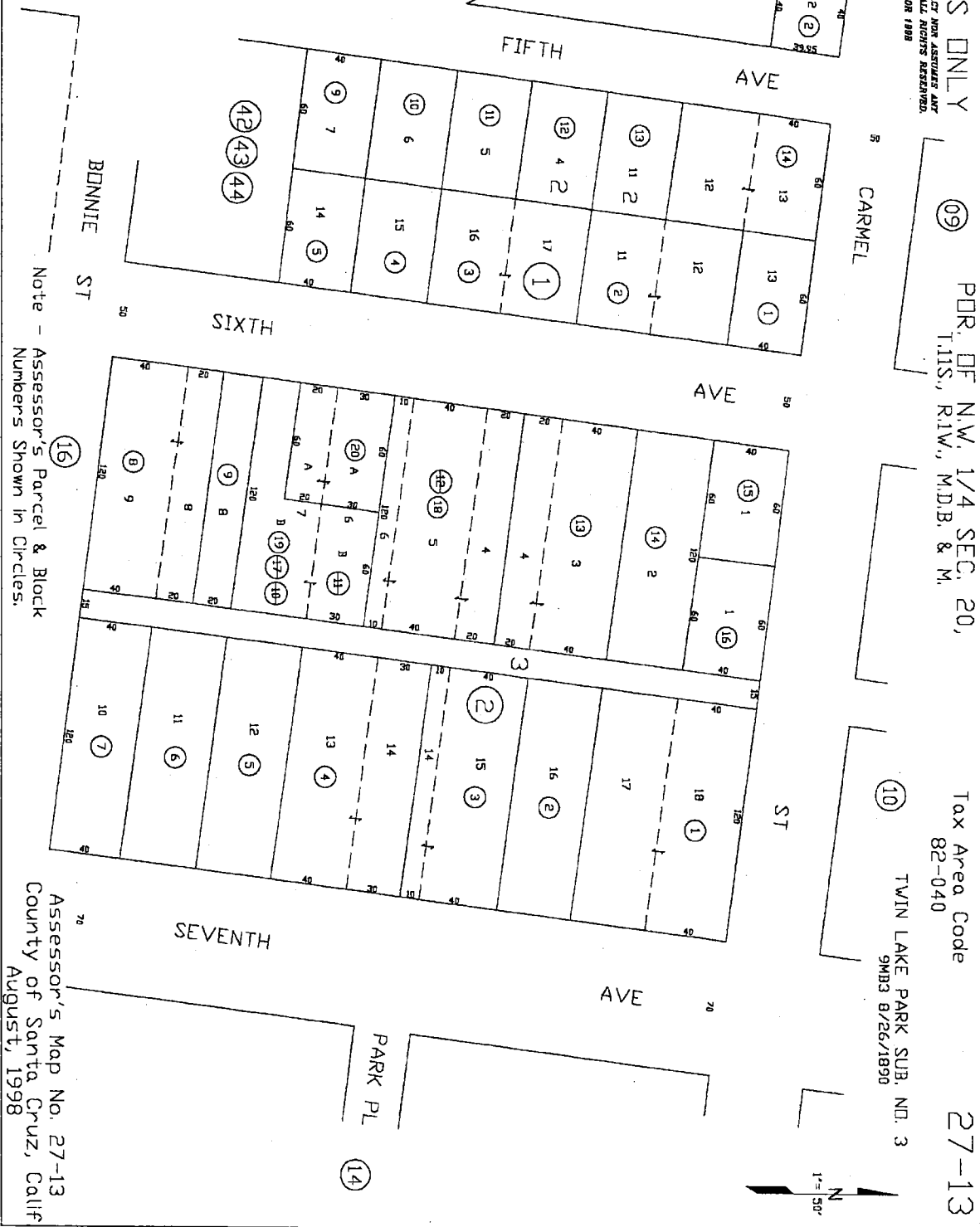
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 Rev. 12/28/91 ksa Santa Cruz City Realignment

LAKE SIDE RESUB.  
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 12/30/1976

VENICE ADD.  
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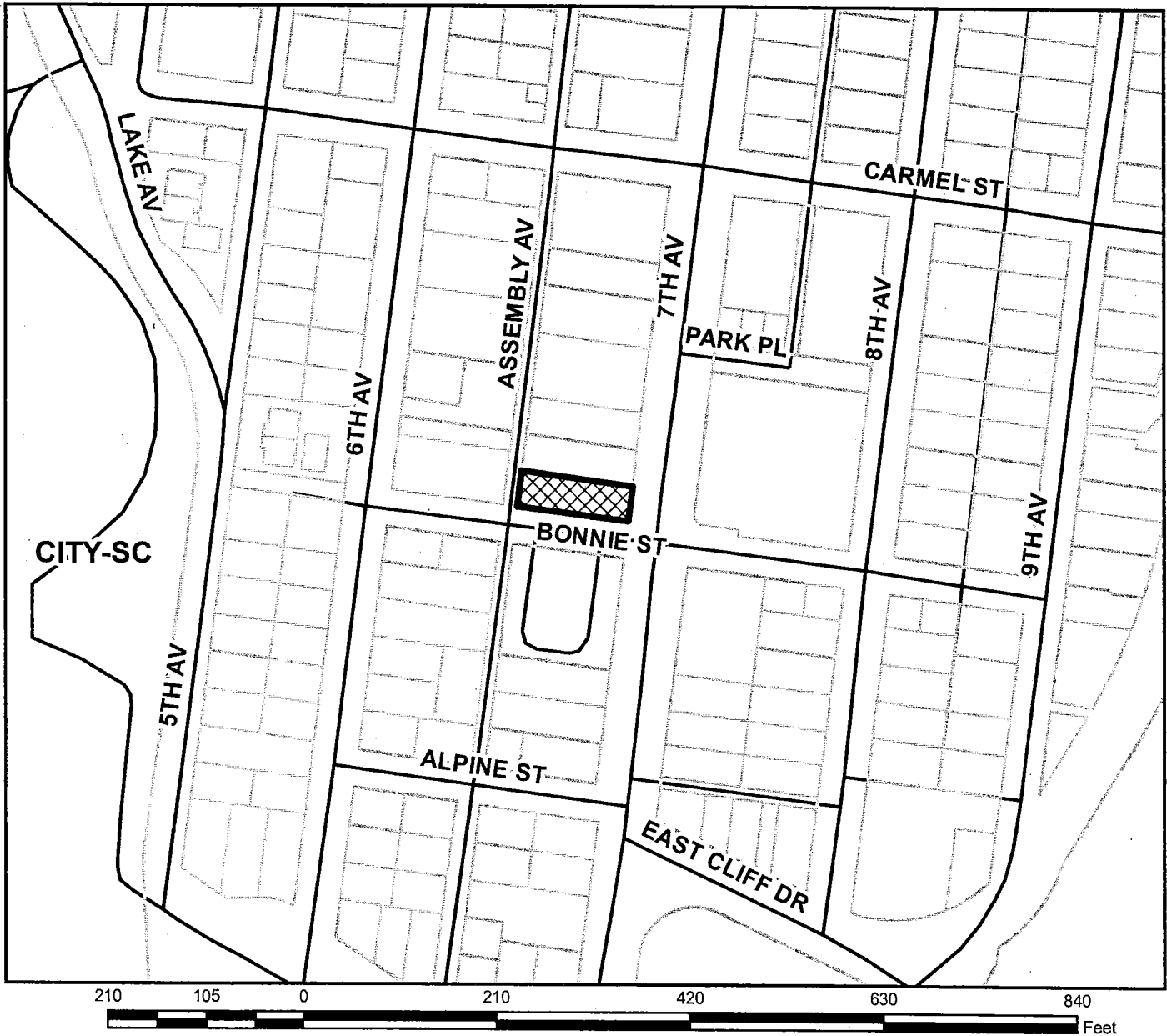


Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.





Assessor's Map No. 27-13  
 County of Santa Cruz, Calif  
 August, 1998

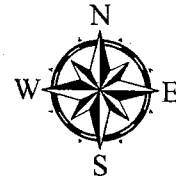


# Location Map



## LEGEND

-  APN: 027-132-07
-  Assessors Parcels
-  Streets
-  SANTA CRUZ



Map Created by  
County of Santa Cruz  
Planning Department  
February 2012

EXHIBIT E

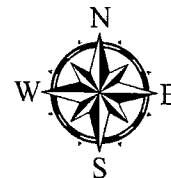


# Zoning Map



## LEGEND

-  APN: 027-132-07
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY
-  COMMERCIAL-NEIGHBORHOOD



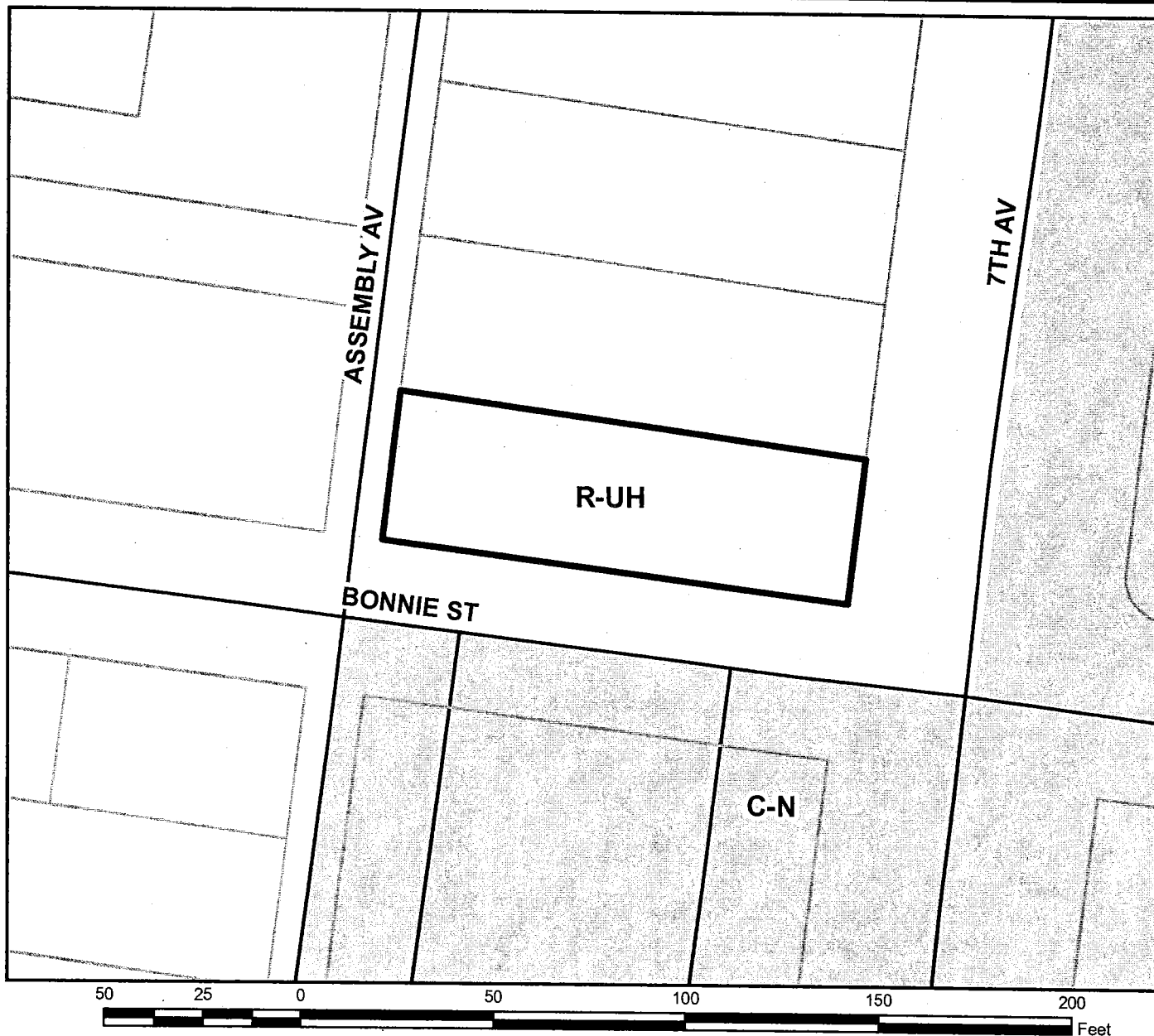
Map Created by  
County of Santa Cruz  
Planning Department  
February 2012

EXHIBIT E






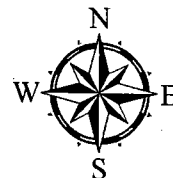


# General Plan Designation Map



## LEGEND

-  APN: 027-132-07
-  Assessors Parcels
-  Streets
-  Residential - Urban High Density
-  Commercial-Neighborhood



Map Created by  
County of Santa Cruz  
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February 2012

EXHIBIT E